

Exhibit A

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SINCERELY YOURS

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RECEIVED OCT 12 2010

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Friday, October 8, 2010 9:05 AM

From: "Randy Chapel" <randychapellegal@gmail.com>
Add sender to Contacts
To: OCIO_FOIA@ed.gov
Cc: chuck.mula@ed.gov, Charles.Rose@ed.gov, "Carol Nyewilson" <carolnyewilson@yahoo.com>

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

11- 00068-F

Oct 8, 2010

Via fax, postal and email
FOIA Specialist
Department of Education
ROB3, Room 4050
400 Maryland Avenue, SW
Washington, DC 20202-4651
Phone: (202) 708-4753
Fax: (202) 708-9346
Email: OCIO_FOIA@ed.gov

FOIA REQUEST 2010-1

Dear FOI Officer:

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined WRITINGS per California Evidence Code Section 250 to mean any "handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

I defined ATS (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or attorneys representing the accreditation agency.

I defined NWCCU (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or attorneys representing the accreditation agency.

I define WESTERN SEMINARY to mean the school known as Western Seminary located in Portland, OR and Los Gatos, CA, any board member, administrator or agent of or attorneys representing the school.

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I define JSTB to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, administrator or agent of or attorneys representing the school.

I define ST. PATRICK'S to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA. any board member, administrator or agent of or attorneys representing the school.

I define EDINBURGH to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, administrator, including the School of Divinity or agent of or attorneys representing the school.

I seek the following:

1. An index of the WRITINGS held since 1999 referencing the name Randy Chapel OR any of the following: Carol Nye-Wilson, Dale Wilson, Kevin Ford, Justin Nye, ATS, NWCCU, WESTERN SEMINARY, Steve Korch, Gary Tuck, Matt Tuck, Bert Downs, Randy Roberts, Rob Wiggins, William Dresser, John Hannon, James Cai, Seth Wiener, Samuel Phillips, Cheryl Oldham, Nancy C. Regan, Matthew Geyer, Chuck Mula, Carol Griffiths, Diane Auer Jones, Margaret Spellings, EDINBURGH, ST. PATRICK'S AND JSTB.

I am asking for an index in the form of:

Date	Author	Recipients	Document Title
06/17/08	Chuck Mula	Kevin Ford	RE: Western Seminary Violations of ATS and NWCCU standards

Description of the document

Communication to Mr. Ford that Office of General Counsel recommends no communications to Mr. Chapel, ATS and NWCCU have no 34 CFR 602.22/23 policies in compliance, etc.

I also understand that there might be a very small number of documents, which the Department will consider *privileged*. To that end, a notion that the document is privileged and under what privilege is being asserted should be made known.

2. An index of the employees of the Department since 1999 who dealt with issues or complaints involving ATS or NWCCU or WESTERN SEMINARY or Steve Korch or Gary Tuck or Matt Tuck or Bert Downs or Randy Roberts or Rob Wiggins or Samuel Phillips or Cheryl Oldham or Nancy C. Regan or Matthew Geyer or Margaret Spellings as they related to Randy Chapel.

I am asking for an index in the form of:

Name	Title	Issue
Le Roy Rooker	Director FPCO	FERPA issue spring 2006

3. An index of the employees of the Department since 1999 who dealt with issues or complaints involving ATS or NWCCU or WESTERN SEMINARY or Steve Korch or Gary Tuck or Matt Tuck or Bert Downs or Randy Roberts or Rob Wiggins or Samuel Phillips or Cheryl Oldham or Nancy C. Regan or Matthew Geyer or Margaret Spellings as they related to Carol Nye-Wilson.

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I am asking for an index in the form as shown above in #2.

4. An index of the employees of the Department since 1999 who dealt with issues or complaints involving ATS or NWCCU or WESTERN SEMINARY or Steve Korch or Gary Tuck or Matt Tuck or Bert Downs or Randy Roberts or Rob Wiggins or Samuel Phillips or Cheryl Oldham or Nancy C. Regan or Matthew Geyer or Margaret Spellings as they related to Kevin Ford.

I am asking for an index in the form as shown above in #2.

5. A list of the general tasks, or functions, and responsibilities for the position held by the following people employed by the Department from any date between 1999 – 2010:

- a. Chuck Mula
- b. Carol Griffiths
- c. Nancy C. Regan
- d. Cheryl Oldham
- e. Margaret Spellings
- f. Diane Auer Jones
- g. Le Roy Rooker

6. The list of employees from the Office of General Counsel advising Chuck Mula or the AAEU/ASL since 2006. The list should note if the employee is an attorney, acting in such capacity for the Office of General Counsel.

7. The list of the general tasks, or functions, and responsibilities for the person(s) indexed in #6.

8. The *Office of Inspector General* Audit report dated July 2003 concerning the Accrediting Agency Evaluation Unit.

9. All subsequent *Office of Inspector General* Audit reports concerning the Accrediting Agency Evaluation Unit or Accreditation and State Liaison [unit, department,...] since 2003.

10. Given the names as requested in #2 and #6, provide the amount of salary associated in the time each spent since 1999 dealing with issues and/or complaints involving ATS or NWCCU or WESTERN SEMINARY or Steve Korch or Gary Tuck or Matt Tuck or Bert Downs or Randy Roberts or Rob Wiggins or Samuel Phillips or Cheryl Oldham or Nancy C. Regan or Matthew Geyer or Margaret Spellings as they related to Randy Chapel. If an exact amount is not available, provide a range.

I am asking for in the form of:

Name	Amount
Chuck Mula	at least \$150,000 (for years between 2007-2010)

11. Given the names as requested in #3 and #6, provide the amount of salary associated in the time each spent since 2002 dealing with issues and/or complaints involving ATS or NWCCU or WESTERN SEMINARY or Steve Korch or Gary Tuck or Matt Tuck or Bert Downs or Randy Roberts

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or Rob Wiggins or Samuel Phillips or Cheryl Oldham or Nancy C. Regan or Matthew Geyer or Margaret Spellings as they related to Carol Nye-Wilson.

I am asking for in the form of:

Name	Amount
Chuck Mula	at least \$100,000 (for years between 2007-2010)

12. Given the names as requested in #4 and #6, provide the amount of salary associated in the time each spent since 2005 dealing with issues and/or complaints involving ATS or NWCCU or WESTERN SEMINARY or Steve Korch or Gary Tuck or Matt Tuck or Bert Downs or Randy Roberts or Rob Wiggins or Samuel Phillips or Cheryl Oldham or Nancy C. Regan or Matthew Geyer or Margaret Spellings as they related to Kevin Ford.

I am asking for in the form of:

Name	Amount
Chuck Mula	at least \$5,000 (for years between 2007-2010)

NOTE: I am aware that there are materials located in the Office for Civil Rights, Office of the Under Secretary, Office of the Deputy Secretary, Federal Student Aid, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary and Office of the Inspector General.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$50. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Due to this request, I am willing to agree to an extension, but such terms must be agreed to in writing prior to the 20 business day deadline. Due to the volume of information sought and to be agreed upon that exists for subsequent use and reference; I am willing to discuss alternatives forms of resolution.

Thank you for your assistance.

Sincerely,

/s/

Randy Chapel

www.educationalfraud.com

email equivalent to signed document and shall be used as such

20101008_FOIA.doc

Exhibit B

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

June 27, 2011

via USPS and email

FOIA Manager (7011 0110 0000 6773 9883)
Bennie Jessup (7011 0110 0000 6774 2517)
400 Maryland Avenue, SW
Washington, DC 20202-4651
Fax: 202/401-0920

Honorable Arne Duncan (7009 2820 0002 5901 8023)
Mr. Charles Rose (7009 2820 0002 5901 3844)
400 Maryland Avenue, SW
Washington, DC 20202

Sent also to:

President Barack Obama (7011 0110 0000 6773 9739)
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Attorney General Eric Holder (7009 2820 0002 5901 8016)
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Belinda Smith & Co
Asset House, 27-28 Thorpe Wood
Peterborough, PE3 6SR
belinda@bscosolicitors.co.uk

Re: **FOIA request 11-00068-F (open, closed, open, close, open, close, ?)**
FOIA request 11-01474-F (appeal)
A new FOIA request

Dear Ms. Jessup and FOIA Manager:

This is in response to your letter dated June 21, 2011, which I received on June 25, 2011. I intend to cover various pending issues in this letter and I break them down in sections.

11-00068-F (open, closed, open, close, open, close, ?)

I am not appealing this case for several reasons, as I am going to use the nature of this request and how this request was handled against the Department. I have no tolerance for games or the Department's need to make things up. The public has a right to know how their tax money is being spent.

1. On June 21, 2011 you noted, "*The FOIA Service Center concluded as of May 16, 2011 that FOIA Case No. 11-000068-F was officially closed upon notification from the following offices: OIG, FSA, OGC, OPE, FERPA and OCR.*" The Office of the Secretary, the Office of the Under Secretary, and Office of the Deputy Secretary did not response.
2. However on May 5, 2011 (received May 10, 2011) you noted, "*On March 17, 2011 your case was officially closed*" which makes the June 21, 2011 letter all the more interesting.
3. A letter "*dated*" March 17, 2011, which I received on May 6, 2011 (**postmarked May 3**) also claimed the case was closed and "*all other offices notified FSC that there were no documents*" which is rather odd. You will recall that this is the letter I pointed out the backdating. You will recall that I responded with:

*You will recall that **FOIA request 11-00068-F** asked for, among other things, a list of the **general tasks, or functions, and responsibilities** for the position held by various people employed by the Department from any date between the years 1999 – 2010. Do you see that? It was #5 on the list.*

*If you check out the URL : www2.ed.gov/about/offices/list/om/index.html?src=oc , you will notice that there is a list of **general tasks, or functions, and responsibilities** clearly listed and made*

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*public. This page has a last modified date of 7/24/2007. This would mean that the **Office of Management**, which this letter comes from, clearly has the information sought and even has made such information public for years. Therefore in this most simplistic case, there clearly are materials and those materials are knowingly being withheld. It is also likely that the district court judge would not be happy learning of this. You will note that this page clearly states:*

"The Secretary is responsible for the overall direction, supervision, and coordination of all activities of the Department and is the principal adviser to the President on Federal policies, programs and activities related to education in the United States. The Secretary serves as Chief Operating Officer for the Department under the President's Memorandum of July 11, 2001...."

Thus, it is not reasonable to accept the letter claimed to be dated on March 17, 2011 and post marked on May 3, 2011 as a true representation of facts and materials held in the possession, custody, and control of the agency. For one, Chuck Mula holds a large part of the materials within the ASL/AAEU as would be the case for the Office of the Secretary and the Office of the General Counsel. I (with the help of my mother) will go into greater detail with my standard form 95.

4. My FOIA request **11-00068-F** was submitted with no written distinction between OCR, OIG, or OPE such as I demonstrated for #1 of the request herein replicated below:

"An index of the WRITINGS held since 1999 referencing the name Randy Chapel OR any of the following: Carol Nye-Wilson, Dale Wilson, Kevin Ford, Justin Nye, ATS, NWCCU, WESTERN SEMINARY, Steve Korch, Gary Tuck, Matt Tuck, Bert Downs, Randy Roberts, Rob Wiggins, William Dresser, John Hannon, James Cai, Seth Wiener, Samuel Phillips, Cheryl Oldham, Nancy C. Regan, Matthew Geyer, Chuck Mula, Carol Griffiths, Diane Auer Jones, Margaret Spellings, EDINBURGH, ST. PATRICK'S AND JSTB.

I am asking for an index in the form of:

Date	Author	Recipients	Document Title
06/17/08	Chuck Mula	Kevin Ford	RE: Western Seminary Violations of ATS and NWCCU standards

Description of the document

Communication to Mr. Ford that Office of General Counsel recommends no communications to Mr. Chapel, ATS and NWCCU have no 34 CFR 602.22/23 policies in compliance, etc.

*I also understand that there might be a very small number of documents, which the Department will consider **privileged**. To that end, a notion that the document is privileged and under what privilege is being asserted should be made known."*

The OIG, FSA, and OCR produced document responses to me. None of them followed the directions I gave as an example or as the request was made out as in the first instance. In the case of OCR, they provided two batches of materials totaling over 300 pages. None of the documents OCR sent to me were indexed. The OIG sent me screen shots. The OIG also noted a link from the ed.gov website concerning the 2003 audit of the AAEU and that no other audits or follow-ups since 2003 concerning that troubled unit within the Department. Since 2003, no one has checked in on the problems within that group. The FSA office claimed no documents existed regarding my student loans, but produced a one-page screen shot, which showed that Western still was receiving Federal money, even after they lied and tricked the Department/OCR in 2005.

As you know, the OIG, FSA, and OCR made no attempt to note that my requests they produced on were insufficient (34 CFR 5.20(c)). They understood the requests and actually produced materials, *without making a list*. There were, of course, the issues of covering up materials held by the FSA regarding DeNise Hill and Donna Wittman from the FSA.

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The important thing I am pointing out here is that 1) materials exist and exist to this day as shown above; 2) OIG even went about noting the URL regarding the 2003 Audit of the AAEU, while there is no statement where to find the *Secretary's list of the general tasks, or functions, and responsibilities* (which happen to be published by the OM itself); 3) by producing, the Department set the precedent to produce material for this request, without creating lists of documents or lists, or indexes, et al – in this case, the other offices should have done the same thing, since the OIG, FSA and the OCR had exercised discretion and engendered reliance by producing hundreds of documents.¹ The Department knows that in producing the documents I seek, that I can then form the correct claims against the Department. By not producing, the Department can continue its tortuous actions against my life and that of my family. This point is very clear.

In other words, I will be publically making the note that the Department is in fact withholding materials, discouraging production and playing games, because it knows that the materials it holds demonstrate my case and allows me to form claims for a standard form 95. This is important since the Department made it out to U.S. Senator Dianne Feinstein that there were materials and that they were putting a rush on the production! This is not the first time that the Department lied to Congress regarding my case.

5. My FOIA request #1 was filed on Oct 8, 2010, and it was closed/open/closed/open/closed – with the latest notification to me on June 21, 2011. Therefore, I will note to the court that the SOL should be tolled by a reasonable amount of time – 7 to 8 months since the FOIA OM could have noted to me in Oct, 2010 that *"In order to fulfill portions of your request, the Department would have to create documents"* as Bennie Jessup noted to me in her letter dated June 21, 2011.

Don't send me further letters Bennie; you are actually not helping the Department at this point. The Department may think it is helping itself by creating a false paper trail, but it is not. You are providing materials to be used against the Department, to make public using your name and can be referenced regarding the *"honesty"* and *"integrity"* in dealing with the problems the Department allegedly created. WE are on to the Department and the games being played. This is going to add more fuel to evidences against the Department and that the Department continues to do wicked things to me as it attempts to conceal records and possibly modify the records it has with NWCCU and ATS help to sidestep any claims.

The Department, with the help of ATS, NWCCU and Western Seminary has already destroyed my life. This can be seen as twisting the knife.

Regarding FOIA No. 11-01474-F

This request is overdue and I have notified the FOIA Manager that I am appealing to **exhaust my administrative remedies**. Both Carol and I have offered to hire someone to get the records, if the Department is so pressed. Our nation needs to know what the Department has been doing with tax money and the on going cover up

¹ *Indian Towing Co. v. U.S.*, 350 U.S. 61 (1955). In this case, "the Coast Guard need not undertake the lighthouse service. But once it exercised its discretion to operate a light on Chandeleur Island and engendered reliance on the guidance afforded by the light, it was obligated to use due care to make certain that the light was kept in good working order; and, if the light did become extinguished, then the Coast Guard was further obligated to use due care to discover this fact and to repair the light or give warning that it was not functioning. If the Coast Guard failed in its duty and damage was thereby caused to petitioners, the United States is liable under the Tort Claims Act."

In this case for FOIA No. 11-00068-F, the Department exercised its discretion and proceeded to produce materials, without following the wording or instruction of the FOIA law. *Once it did this*, it engendered reliance afforded in producing materials; it was obligated to use due care to continue. This is most certain, since the FOIA law was never changed over the period of 9 months and the change occurred AFTER I contacted **President Obama and US Attorney Eric Holder**.

At first the Department only produced materials it thought were of no interest, only then as the materials were reviewed and I replied did the Department see that the materials in its possession demonstrated its negligence. This shows forethought in the knowledge that the materials are damning to the Department and the Department is well aware of this. Thus, in not producing, the Department held up the ability for me to know what claims to file against the Department. This is not the first time the government has acted to fraudulently to conceal materials on people the government has victimized with its actions. See *Hohri v. U.S.*, 782 F.2d 227 (D.C. Cir. 1986) (WWII West Coast evacuation of Japanese American--fraudulent concealment applied); *Gess v. U.S.*, 909 F. Supp. 1426 (M.D. Ala. 1995) (failure to disclose full extent of possible injury from unauthorized injection of lidocaine by unknown person to a number of newborn infants in nursery tolls SOL--cites *Burgess v. U.S.*, 744 F. 2d 771 (11th Cir. 1984)); *Cogburn v. U.S.*, 717 F. Supp. 958 (D. Mass. 1989) (SOL extended where Navy officer's records altered to conceal exposure to asbestos); *Orlikow v. U.S.*, 682 F. Supp. 77 (D.D.C. 1988) (secret psychiatric experiment tolls SOL); *Moessmer v. U.S.*, 569 F. Supp. 782 (E.D. Mo. 1983) (CIA places false info in claimant's records in 1966, which plaintiff did not learn of it until 1981).

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by the Department.

I have major concerns regarding the employees of the Department (34 CFR § 73) and most of all Chuck Mula and his involvement as AAEU "gatekeeper" of documents at this point.

Carol has given me some of the materials that she sued for under the FOIA in 2008 and due to the involvement of the President's memo for openness, she settled the case and received *some* documents. We believe there are a lot more. The materials she did receive demonstrate Chuck Mula's involvement with NWCCU in the summer of 2008.² I have learned about this in February of this year and I am beyond angry at this point regarding him.

Carol had already shared with me the Sandra Elman's letter that is dated August 6, 2008, and was addressed to John Hannon, our attorney at the time.³ I have already commented in the well-known Jan 2, 2009 letter to the Department,⁴ concerning the known false and misleading statements that were written intentionally by Sandra Elman with what I now know was the involvement of the Department to be used against Carol and me in two pending civil lawsuits. The letter was never sent to John Hannon, so that it could be commented on PRIOR to the Nancy C. Regan letters. Thanks to Carol's lawsuit, President Obama's FOIA memo and providing me the documents in Feb regarding Chuck Mula, it is clear that the Department used Sandra Elman/NWCCU as actors of the Department to screw my life over.

The first time John Hannon or any of us saw the Sandra Elman letter was when Carol received her FOIA responses on December 22, 2008, that included the August 6, 2008 letter that did not apply the NWCCU substantive change policy effective on March 14, 2006, or the 2006 NWCCU annual report from Western Seminary when NWCCU evaluated the Th.M. degree program offered to me by Western Seminary on March 14, 2006.

All of these things and a lot more are being withheld from me at this point. *But that is not all.* Just as Chuck Mula was securing a letter from Elman in late July, 2008 for the Department to screw my life over, he wrote this to me:⁵

- > Randy:
- >
- > We are not finished with NWCCU yet. They still need to
- > provide us with some answers in addition to working on your
- > complaint. However, NWCCU's position with the Department
- > now is as it should of been in the beginning had they
- > initiated an investigation when you initially filed your
- > complaint against Western. **What is everybody's concern**
- > here and at NWCCU is that we not cross the line of becoming
- > arbitrators, or mediators between you and the school. The
- > Department and the accreditation agencies are strictly
- > forbidden to do that. Our best position would come from a
- > determination by the agencies that Western was out of
- > compliance with their substantive change policies. Also it
- > wouldn't hurt if the Office of General Counsel made some
- > kind of official statement about the legitimacy of the
- > settlement agreement.
- >
- > Chuck (**emphasis added**)

We now know that Chuck was misleading Carol, Hannon and myself, while at the same time, he (and others) were actually setting me up to be damaged and personally injured with the Nancy C. Regan letters. Sandra Elman/NWCCU was acting as an actor *for the Department*, to do the Department's wishes, and Sandra wrote what

² Which makes us wonder what else he was doing and what other damage he has done to my life and my family.

³ He never received it and noted this in writing, when he found out.

⁴ That letter was sent to many people, including Arne Duncan and Margaret Spellings.

⁵ See Wednesday, July 30, 2008, 7:30 AM email from Chuck Mula to Randy Chapel. One of the many records the Department doesn't want to own up to.

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the Department wanted. The Department already knew that ATS and NWCCU were acting for Western Seminary since September 2006. Arguing that the NWCCU did not write what the Department wanted (Sandra Elman's known false and misleading statements), then point out that the Department, having known about Sandra Elman's false and misleading statements at the time by evidences in the possession of the Department, continues to cover for NWCCU and block civil actions against the accreditation agency and Sandra Elman personally, while enforcing the Nancy C. Regan letters designed to harm me and two civil cases against Western Seminary. Either way, the Department is at the center of this mess – a mess that it does not want to produce any records concerning; a mess that it actually wants to enforce the award and judgment against me.

In review of Major Dale Wilson's letter to President Obama and US Attorney General Eric Holder dated May 2011, the AAEU appears to have been using both ATS and NWCCU to do its dirty work – not only shielding Western, ATS and NWCCU, but also covering for the Department and the negligence of the Spellings administration, by doing far reaching things that are not grounded in the law, but meant to damage and personally injure me.

Now it has become clear why the ASL did not enforce 34 CFR § 602.22 on ATS or NWCCU, because it had already been worked out between the accreditation agencies how all of this was going to go down by the summer of 2008. In short, the agencies not only acted as triers of fact, but exceeded the authority of Higher Education Act (FERPA, etc) by making public policy/claims that overrode what the courts in California had already decided. The Department was more than happy to go along, since postsecondary insiders had already knew since 2006 that the Spellings administration was pushing accreditation agencies into areas that Congress had made no provisions in the law for.

By allowing NWCCU/ATS to use *ad hoc*, unpublished, non-public, unseen policies called exceptions (which did not exist) and give them authority not provided in the law, schools now have more power than the federal government. They can override with their "exception powers" as a standard business practice (CA Bus. § 17000 et seq) – state law, federal laws (including FERPA), their own written policies and accreditation standards and policies at any time, to any one, any where, regardless if the person they are doing this to is a student or not (like a family member).

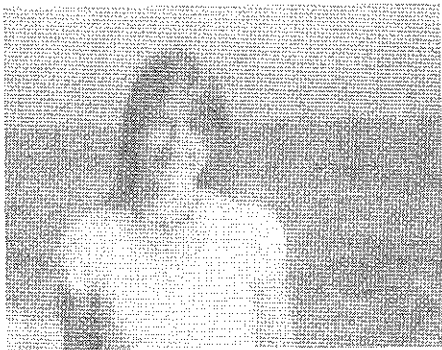
What Spellings did with ATS and NWCCU has caused personal injury and permanent harm to me and damaged my family. Spellings declared war on my life. The lack of production only intensifies our concerns, distrust, and damages and clearly points out that the Department knows it is guilty.

Materials should be produced to me and the Department should stop screwing with my life. I am no longer emotionally or mentally stable. I will not live a life resulting from the lies and the subsequent damage being forced on me. The AAEU/ASL, former senior Department officials, Western Seminary, ATS and NWCCU have acted together to forcibly harm me through a series of violations of federal and state laws. We are going to publish these issues to the People so they can learn how their tax money has been spent to harm a student and his family – how the nation has been dupped. That will cause more and more people and the media to seek records, because this is going to become a full fledged scandal, unless the Department makes changes in how this is being handled. Otherwise, *We The People* are going to ask questions about what the Department is hiding. Congress will questions. The Media will ask question. *Glenn Beck might even put his glasses on and draw diagrams for Fox News.* In short, the Department is actually creating more problems and insuring that the public has viable concerns against how the Department is being run.

Anything that is discoverable under the Federal Rules may be released administratively. See *McClellan Ecological Seepage Situation v. Garlucci*, 835 F.2d 1282 (9th Cir. 1987) "**requests under FOIA for information to be utilized in a tort claim cannot be denied on the basis that there is a commercial interest**". *Hernandez v. U.S.*, 1998 WL 230200 (E.D. La.) "both USPS accident report and USPS driver's personnel file **must be released**". Furthermore, the FOIA/information about this case will be made public so that *we the people* can learn what has been going on and to insure that our government corrects those who have done this. See *Favish v. OIC*, 9th Cir., July 12, 2000, "The statute is a commitment to 'the principle that a democracy cannot function unless the people are permitted to know what their government is up to.'" *Id.* (internal quotations omitted). See also *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989) "[O]fficial information that sheds light on an agency's performance of its statutory duties falls squarely within [FOIA's] statutory purpose.";

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See *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 792 (3rd Cir. 1994) Reviewing courts should undertake their analysis of FOIA requests by "recognizing the enduring beliefs underlying freedom of information laws: that an informed public is desirable, that access to information prevents governmental abuse and helps secure freedom, and that, ultimately, government must answer to its citizens."



As scandals go, this could not involve much more villainy and corruption. We know many of the names already. This is not just about one photo of a woman on the lap of a candidate running

for president; an intern, a cigar and a dress; arms and money deals handled by some guy named "North;" or a break in; or a Swift Boat; Wienergate, etc. This case goes beyond that. Educational insiders noted in 2006/2007 that actions by Spellings with accreditors were problematic and wrong. The Department and the OIG knew the AAEU had problems and did nothing about it.⁶ This is *education for cover-up* of fraud and criminal activity against the people, the courts, a state and central government – and the government is sponsoring this. This case has reams of testimony, videos, recordings, reports to be released. There will be pages and videos and many photos. The Department cannot make an admission and I am **not** going to demand one. Only the Attorney General can make an admission. However, the Department is required to turn over documents.

⁶ Jaycee Dugard reached a \$20 million dollar through settlement (Assembly Bill 1714), without trying her case. Some contested the amount and given that the state is heavily in debt. However, lawmakers felt it was a prudent amount, given the state's legal liabilities (*due to the state's negligence*) could actually be greater. According to San Francisco County Superior Court Judge Daniel Weinstein, the administrative settlement was made to "avoid greater invasion of privacy and greater publicity for the state." It was understood that it is not possible to turn back the clock, but this settlement allows Jaycee and her daughters a way to build a better life. This was in part due to a *scathing* investigation performed by the California Office of the Inspector General concerning the state's *negligence* and legal liabilities the state faced. In that investigation, numerous opportunities were missed to locate and rescue Jaycee. While the State felt that there were clearly issues that could be tried, it elected an administrative process to deal with the damage and personal injury, while at the same time to draw better *publicity for the state* having resolved this matter administratively. In my case, the OIG report of 2003 clearly indicated that the AAEU had various problems, which there has been no follow-up audit to date, records being withheld show a pattern of misconduct by the employees of the Department of Education and there is no indication by the Department that any review or audit report has been compiled by the OIG regarding this case to date, or changes have been made since Dec 2010, when I begin replying to materials the Department had, noting the errors to be used under FTCA. Thus, the Department knew years before and never corrected the unit that had problems, now that unit has damaged Randy and that damage cannot be undone. Alan Newton spent 22 years in prison for rape, robbery and assault conviction and when DNA evidence showed that he was not the rapist as he had been stating with other witnesses, he walked. He later sued and received \$18.5 million for pain and suffering inflicted upon him. In contrast with regard to Randy no police were involved; there was no investigation (even years after the events and during litigation) and Randy was never accused of breaking any school policy (moral or otherwise) regarding the so-called 'rape' by the school and no outcome was ever presented whereby the school had determined that a school policy (moral or otherwise) regarding the so-called 'rape' had been broken. However, unlike Alan who is a free man and has been exonerated, a false and misleading award and judgment which Western knew was wrong at the time and to which they helped write sits in the Santa Clara Superior Court records and a public lien has been filed that not only refers to that judgment, but demands payment from Randy. Randy is 45 years old. Randy has been dealing with Western's (aided by ATS, NWCCU and the Spellings administration) obsessive and compulsive actions to eviscerate Randy for the last 10 years. Accordingly, Randy will spend the next 26 years of his life expectancy dealing with Western's (aided by ATS, NWCCU and the Spellings administration) need to destroy Randy's life (36 years). The damage and person injury to Randy's life cannot be undone. "Once personally identifiable information has been made public, the harm cannot be undone." *United States v. Miami University*, No. 00-3518, 2002 U.S. App. LEXIS 12830, (6th Circuit) June 27, 2002. "Whether the degree of harm suffered by the plaintiff's spouse is sufficiently severe to give rise to a cause of action for loss of consortium is a matter of proof. When the injury is emotional rather than physical, the plaintiff may have a more difficult task in proving negligence, causation, and the requisite degree of harm; but these are questions for the jury, as in all litigation for loss of consortium. In *Rodriguez* we acknowledged that the loss is 'principally a form of mental suffering,' but nevertheless declared our faith in the ability of the jury to exercise sound judgment in fixing compensation. We reaffirm that faith today." (*Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 933 [167 Cal.Rptr. 831], internal citations omitted). In *Molien*, a husband was permitted to sue medical providers, who had incorrectly told his wife that she had *syphilis*, for damages for extreme emotional distress (apparently including feelings of anxiety, suspicion, and hostility, which led to a breakup of the marriage) and for medical expenses incurred for counseling in an effort to save the marriage. Kaiser Found. Hosps has a duty to exercise care and skill in diagnosing the wife; they should have foreseen that both husband and wife would experience distress from a faulty diagnosis. In this case, Susan's and the public's conclusion based on Westerns/ATS/NWCCU/Feds actions to force the award is that Randy is a "*rapist*" and he needs a settlement agreement to covered up that he is a "*rapist*" so that he can earn a degree. Because the Feds support this, FERPA can be seen as dead, as the school can override FERPA at any time. In fact and in truth for 8 years of litigation, the school made no effort to plea rape and also held that FERPA disallowed them from saying anything to anyone at any time. While they knew this was the case, they filed the award and judgment anyway. This has been brought to the attention of Regina Miles/FPCO and to Arne Duncan. Susan has a NIED/loss of consortium claim, just as I do. At least 3 FTCA cases will be presented (Randy, Dale and Carol). I don't talk to Susan and our marriage is damaged by what the Department et al has done, so I don't know what she is going to do.

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Up to this point Google, Bing, Yahoo, etc link this case with Western and Spellings. The public views the educational fraud of this case as a "*Western*" or "*Spellings*" thing at this point. As this continues and is fought over, this will become an Obama/Holder/Duncan problem. It will be Obama/Holder/Duncan funding the cover-up.

Spellings has shown that:

1. Mediation privilege can be utilized to cover up fraud and unlawfulness and the government has no problem with it, and the government will use tax money to support those who committed the fraud and law violations against the whistleblower;
2. Two masters degrees can *only* be earned by covering up and defrauding the U.S. Treasury of tax on \$25,000 secretly benefitting Steve Korch from the school's general fund of charitable donations, student tuition and federal student loan funds. Korch helped solicit charitable donations. The Department of Education has no authority over the Department of Treasury or IRC;
3. Schools can lie to the government during federal investigations and a student's education can be revoked and his credits he previously earned can be taken away and the student can be forced to pay liquidated damages back to the school for informing the government that the school has made false and misleading statements during a federal investigation in order to gain federal student aid funds;
4. A student can only earn degrees if he does not file complaints and if he complies with a school's threats to retaliate against the student by withholding grades, transcripts, and accumulated credits. Department of Education, ATS, and NWCCU agree with settlement agreements that make these demands against students;
5. The appellate court has found that it is **against** public policy to gag people with knowledge of sexual misconduct between an adult and a child. ATS requires schools to follow the law. Agreements cannot be used to cover such knowledge up.⁷
6. The church that ordained Steve Korch *asked him to step down due to the public nature of his acts of sexual misconduct* about which the school and its attorneys threatened the student to be silent, and ATS, NWCCU, and the Department of Education have no problem with students being coerced and gagged to be silent as the *only way the student could earn his education*;
7. It is perfectly acceptable for schools to demand and receive from a student and their families as the only means for a student to earn an education, a *misallocation of burden* in a contract, such that the student loses

⁷ *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983)

http://scholar.google.com/scholar_case?case=10112374675921897873&hl=en&as_sdt=2&as_vis=1&oi=scholar The stipulated order of confidentiality is contrary to public policy, contrary to the ideal that full and impartial justice shall be secured in every matter and designed to secrete the evidence in the case from the very public agency charged with the responsibility of policing the medical profession. We believe it clearly improper, even on stipulation of the parties, for the court to issue an order designed not to preserve the integrity and efficiency of the administration of justice (cf. *Younger v. Smith* (1973) 30 Cal. App.3d 138 [106 Cal. Rptr. 225]), but to subvert public policy by shielding the doctor from governmental investigation designed to protect the public from misconduct within the medical profession, and which may disclose a professional license of this state was used to establish a relationship which subjected a juvenile patient to criminal conduct. Such a stipulation is against public policy, similar to an agreement to conceal judicial proceedings and to obstruct justice. (*Maryland C. Co. v. Fidelity, etc. Co.* (1925) 71 Cal. App. 492, 499 [236 P. 210].) Moreover, in light of the statutory obligation 317*317 of Division to investigate and regulate the medical profession, "a law established for a public reason cannot be waived or circumvented by a private act or agreement." (*Covino v. Governing Board* (1977) 76 Cal. App.3d 314, 322 [142 Cal. Rptr. 812]; Civ. Code, § 3513; see *Bianco v. Superior Court* (1968) 265 Cal. App.2d 126, 130-131 [71 Cal. Rptr. 322]; *Benane v. Internat. Harvester Co.* (1956) 142 Cal. App.2d Supp. 874, 878 [299 P.2d 750].) Accordingly, since such a contract made in violation of established public policy will not be enforced (*Bianco v. Superior Court, supra*, 265 Cal. App.2d 126, 131), it is improper for the court to sanction the parties' stipulation under the pain of threatened contempt. In light of its overbreadth and its intended effect upon the investigation of Division, we strike the order of confidentiality, stressing an enactment designed for the public welfare cannot be abridged by stipulation. (3 Cal.Jur.3d, Agreed Case and Stipulations, § 18, p. 270; see *Wilson v. Wilson* (1973) 45 Cal. 399, 405.)

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everything and the School and staff walk away free. Again, two accreditation agencies and Department of Education see no problem with this and it should be encouraged to other schools;

8. Private accreditation agencies who receive funds by their member schools to exist can make public policy decisions that favor their member schools over and against decided case authority of court, state and federal law. Such decisions will be viewed by the government as superseding not only case authority of court, state and federal law, but its responsibility to administrate public policy. E.g., the Department will espouse public policy decisions by private accreditation agencies as binding, regardless if such decisions run against decided case authority of court, state and federal law;
9. The OIG, OCR and FSA would care less if schools lie to the Department in order to receive federal money. The Department will keep pumping money to the school and look the other way. ATS and NWCCU support member schools that do this to the Department.
10. The Department of Education accepts the recommendations by accreditation agencies that in spite of the non-disputed fact that Steve Korch who was 25 years old, married, attending Biola and working as a youth pastor committed acts of sexual misconduct with his fingers, mouth and penis on an underage girl in his locked office, when he was providing one-on-one counseling in 1975, and the court saying that you cannot cover this up; however, Randy is unable to earn an education, recoup his 81 previously earned credits unless he covers up Steve Korch's criminal acts – accreditation agencies and the Department of Education are not interested in how well Randy understands a language like Greek, they are only interested in how well he covers for an inferior form of humanity, Section 504 fraud, educational fraud and a host of other things.⁸

Bennie, the government should pray that I don't take this any more personally and strike back against those who are violating the law and my civil rights.

For further guidance regarding **11-01474-F** see the new request below:

NEW FERPA REQUEST

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records outlined below. I am aware that the Department of Education allows requests to be submitted other than by regular mail.

I defined **ATS** (Association of Theological Schools) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I defined **NWCCU** (Northwest Commission on Colleges and Universities) to mean the accreditation agency itself, any board member, administrator or agent of or **attorneys representing the accreditation agency**.

I define **WESTERN SEMINARY** to mean the school known as Western Seminary located in Portland, OR and formally Los Gatos, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **JSTB** to mean the school known as Jesuit School Of Theology at Berkeley located in Berkeley, CA (aka: Jesuit School Of Theology, *Jesuit School of Theology* at Santa Clara University), any board member, instructor, administrator or agent of or **attorneys representing the school**.

⁸ I bet that someone thought naming an operation "*Fast and the Furious*" because they fancy Paul Walker, Vin Diesel was a pretty cool thing, except for fundamental problems with the whole operation. In this case, the government has basically endorsed educational fraud, Section 504 fraud, earning degrees that not simply violate public policy, but cover up publically known sexual misconduct against a minor, among many other things. The Department doesn't know how many hundreds of thousands of dollars it has used of the public money to cover for Korch and the rest of the parties over the years. This is not going to go over well with the public and has the potential of becoming another huge government SCANDAL.

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I define **ST. PATRICK'S** to mean the school known as St. Patrick's Seminary and University located in Menlo Park, CA, any board member, instructor, administrator or agent of or **attorneys representing the school**.

I define **EDINBURGH** to mean the school known as University of Edinburgh located in Edinburgh, Scotland, any board member, instructor, administrator, including any person associated with the School of Divinity or agent of or **attorneys representing the school**.

I define **records** as defined in 34 CFR § 5.2.

Likely places these records can be found: FERPA/FPCO, OCR, FSA, Office of Postsecondary Education, Office of the General Counsel, Office of the Secretary, ASL, AAU.

1. Any records in 2008 that indicate Chuck Mula's supervisor's name.
2. Any records in 2008 that indicate Cheryl Oldham's supervisor's name.
3. Any records in 2008 that indicate Nancy C. Regan's supervisor's name.
4. Any records in 2008 that indicate Carol Griffiths's supervisor's name.
5. Any records in 2008 that indicate Diane Auer Jones's supervisor's name.
6. Department organizational directories or charts showing all supervisors from Chuck Mula's position to Margaret Spellings from March 2007- Jan 15, 2009.
7. All Department records between Chuck Mula and **ATS** from March 2007 to the current date.
8. All Department records between Chuck Mula and **NWCCU** from March 2007 to the current date.
9. All Department records between Chuck Mula and Randy Chapel from March 2007 to current date.
10. All Department records between Chuck Mula and Carol Nye-Wilson from March 2007 to the current date.
11. All Department records between Chuck Mula and **WESTERN SEMINARY** from March 2007 to today.
12. All Department records between the Department and **ATS** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
13. All Department records between the Department and **NWCCU** from 2006 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
14. All Department records between the Department and **WESTERN SEMINARY** from 2005 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford. OCR may exclude records dated from 2005-2009 as they have already been produced.
15. All Department records between the Department and **EDINBURGH** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
16. All Department records between the Department and **JSTB** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
17. All Department records between the Department and **ST. PATRICK'S** from 2007 to today concerning Randy Chapel or Carol Nye-Wilson or Kevin Ford.
18. All Department records between the Department and Matthew Geyer from March 2007 to today.
19. All Department records between the Department and Leonard Sprinkles from March 2007 to today.
20. All Department records between the Department and Debbie Godbey (aka Debbie Brumbaugh Debra Brumbaugh, Deb Brumbaugh, Deb Godbey) from March 2007 to today.
21. All Department records between the Department and Willard Brumbaugh from March 2007 to the current date.
22. All Department records between the Department and Paul Godbey from March 2007 to the current date.
23. All Department records between the Department and (Susan Chapel or her attorney) from March 2007 to the current date.
24. All Department records between the Department and Matt Tuck from March 2007 to the current date.
25. All Department records that support the conclusions of the Nancy C. Regan letter to John Hannon in Sept 2008.
26. All Department records that support the conclusions of the Nancy C. Regan letter to Sandra E. Elman in Aug 2008.

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27. All Department records that support the conclusions of the Nancy C. Regan letter to Daniel O. Aleshire in Aug 2008.
28. The ATS "exception" policy in effect on March 14, 2006.
29. The ATS 34 CFR § 602.22 policy in effect on March 14, 2006.
30. The ATS 34 CFR § 602.22 policy in effect on August 29, 2008.
31. The current ATS 34 CFR § 602.22 policy.
32. The NWCCU "exception" policy in effect on March 14, 2006.
33. The NWCCU 34 CFR § 602.22 policy in effect on March 14, 2006.
34. The NWCCU 34 CFR § 602.22 policy in effect on August 29, 2008.
35. The current NWCCU 34 CFR § 602.22 policy.
36. All Department records concerning reviews conducted under 34 CFR §602.33 for ATS since 2000.
37. All Department records concerning reviews conducted under 34 CFR §602.33 for NWCCU since 2000.
38. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) since 2000.
39. All Department records concerning ATS compliance reports submitted under 34 CFR §602.31(c) that indicate the 2006 annual report submitted by Western Seminary showing substantive changes to the Th.M. degree offered to Randy Chapel at the San Jose campus for 12 M.Div credits to count for Th.M. credits.
40. All Department records concerning NWCCU compliance reports submitted under 34 CFR §602.31(c) since 2000.
41. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses offered outside the NWCCU region to count for the Th.M. degree that were never previously offered by Western.
42. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2006 annual report filed by Western Seminary listed 12 credits of courses were planned for outside the NWCCU region to count for the Th.M. degree.
43. All Department records concerning NWCCU compliance reports submitted under 34 CFR § 602.31(c) that demonstrated the 2007 annual report filed by Western Seminary that listed 12 credits of courses offered or planned outside the NWCCU region to count for the Th.M. degree as they were never previously offered or planned by Western.
44. All Department records concerning ATS expansion of scope submitted under 34 CFR §602.31(b) since 2000.
45. All Department records concerning NWCCU expansion of scope submitted under 34 CFR §602.31(b) since 2000.
46. All Department records concerning ATS continued recognition submitted under 34 CFR §602.31(a) since 2000.
47. All Department records concerning NWCCU continued recognition submitted under 34 CFR §602.31(a) since 2000.
48. All Department records concerning ATS and 34 CFR §602.33 since 2000.
49. All Department records concerning NWCCU and 34 CFR §602.33 since 2000.
50. All Department records for citations on or around May - June 2008 to any accreditation agency other than ATS or NWCCU to whom the Department issued citations for policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who had filed lawsuits against schools accredited by their respective agency.
51. All Department information notices to all accreditation agencies stating they must not have policies or procedures regarding either rejecting or tabling complaints to agencies from any complainants who filed lawsuits against schools accredited by their agency.
52. All Department records concerning ATS 34 CFR §602 noncompliance since 2000.
53. All Department records concerning NWCCU 34 CFR §602 noncompliance since 2000.
54. All Department records of senior Department official decisions concerning ATS since 2000.
55. All Department records of senior Department official decisions concerning NWCCU since 2000.

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56. The ATS standards or procedures that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
57. The NWCCU policies or standards that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006.
58. The ATS "exception" standards or policies in which schools have a business practice of overriding the law as of 1999.
59. All records between the Department and ATS concerning standards or procedures for exceptions since 1999.
60. All ATS standards or procedures that give ATS authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
61. All ATS standards or procedures that give NWCCU authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
62. All Department records concerning ATS' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
63. All Department records concerning NWCCU's review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
64. All Department records involving the General Counsel decisions concerning the March 14, 2006 settlement agreement involving Randy Chapel.
65. *The settlement agreement* involving Randy Chapel and Western Seminary that provides ATS has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this).

Refer to page 2, second to last paragraph of the July 18, 2008 Daniel Aleshire to John Hannon, Randal Roberts, Joyce Jones, Chuck Mula

Refer to page 2, last paragraph of the July 21, 2008 Daniel Aleshire to John Hannon, Randal Roberts

Refer to page 2, bullet 2 and 3 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008

66. *The settlement agreement* involving Randy Chapel and Western Seminary that provides NWCCU has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement (e.g., which settlement agreement is Nancy C. Regan using – because I don't have a copy of this).

Refer to page 2, bullet 4 of the Nancy C. Regan letter to Sandra Elman dated Aug 29, 2008

67. Records of any ATS policies that gives schools authority to exceed or waive State law.
68. Records of any ATS policies that gives schools authority to exceed or waive any decisional cases.
69. Records of any ATS policies that gives schools authority to exceed or waive FERPA.
70. Records of any ATS policies that gives schools authority to exceed or waive Federal law.
71. Records of any NWCCU policies that gives schools authority to exceed or waive State law.
72. Records of any NWCCU policies that gives schools authority to exceed or waive any decisional cases.
73. Records of any NWCCU policies that gives schools authority to exceed or waive FERPA.
74. Records of any NWCCU policies that gives schools authority to exceed or waive Federal law.
75. Records that give WESTERN SEMINARY authority to exceed or waive State law.
76. Records that give WESTERN SEMINARY authority to exceed or waive any decisional cases.
77. Records that give WESTERN SEMINARY authority to exceed or waive FERPA.
78. Records that give WESTERN SEMINARY authority to exceed or waive Federal law.
79. Records between DeNise.L.Hill@ed.gov and cwils60@hotmail.com
80. Records between donna.wittman@ed.gov and cwils60@hotmail.com
81. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Randy Chapel's communications sent to Arne Duncan in the summer of 2010 (June – Aug).

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82. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded Carol Nye-Wilson's communications sent to Arne Duncan in the summer of 2010 (June – Aug).
83. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before May 19, 2008, Carol Nye-Wilson's letter dated 5-14-08 to Margaret Spellings facts regarding TWO AT-RISK STUDENTS of Western Seminary.
84. Records that show *who* the "appropriate staff" member(s) was to whom Edgar Mayes forwarded on or before February 26, 2008, John Hannon's letter dated 2-26-08 to Margaret Spellings regarding complaints by Randy Chapel and Carol Nye-Wilson that Mr. Mula has not properly dealt with ATS and NWCCU.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregated portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

/s/

Randy Chapel

20110627_Jessupetal.doc

Exhibit C

Randy Chapel
PO Box 1050
Boulder Creek, CA 95006
randychapellegal@gmail.com

April 4, 2011

Certified Mail (7009 2820 0002 5901 8054)

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Certified Mail (7009 2820 0002 5901 8061)

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: FOIA request 11-00068-F, U.S. Department of Education

Dear President Obama and Mr. Holder:

I am writing concerning the U.S. Department of Education's (USDE) noncompliance with President Obama's January 21 FOIA Memorandum (**Exhibit A**) and Mr. Holder's March 19, 2009, FOIA Memorandum (**Exhibit B**).

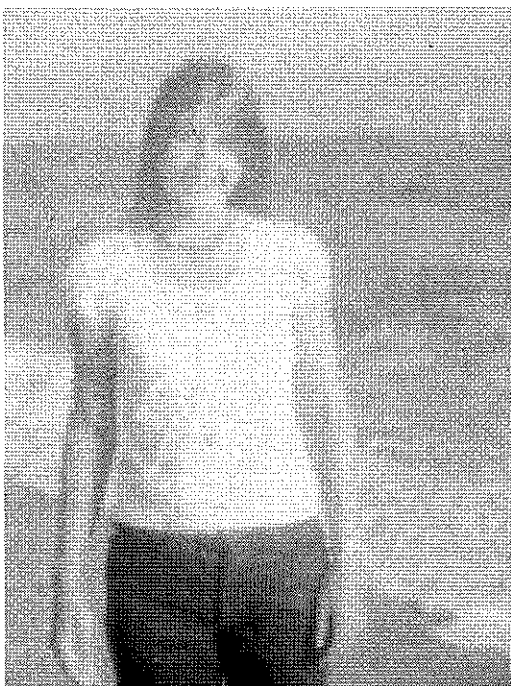
I have a pending FOIA request, **11-00068-F (Exhibits C and D)**, that I need the USDE to timely complete and to stop withholding documents known to exist because the USDE understands their damaging nature and demonstrate negligence by the USDE. The agency surely must realize I requested documents that support my complaints concerning ongoing negligence, cover-ups, and fraud by Margaret Spellings and the USDE against my family and me.

The issues of known educational fraud involve the Spellings administration; Western Seminary; the regional accrediting agency, Northwest Commission on Colleges and Universities (NWCCU); and the national accrediting agency, the Association of Theological Schools in the United States and Canada (ATS). The hot topics in my complaint include the gagging and threatening of students and family members by schools demanding students must agree not to expose the school's past and future unconscionable acts. They want to conceal they were noncompliant with 34 CFR §602.22, 34 CFR §602.23, 34 CFR §602.15 and 34 CFR §602.20. These issues involve **criminal enterprising** with federal funds, accreditation incest, and willful collusion to damage a student and the student's family. Western Seminary's felonious perjury (18 U.S.C. § 1621; 28 U.S.C. § 1746) demonstrates how low these perpetrators will stoop to cover for ATS. Additionally, Western *intentionally misrepresented* (18 U.S.C. § 1001) its noncompliance with Section 504 of the ADA to the agency during OCR's investigation in the summer and fall of 2005. Then, in 2006, Western gagged me to prevent me from notifying the government about the school's further criminal enterprises. In the spring of 2006, Western once again began retaliating against me and has continued to do so ever since. Western violated my FERPA rights (20 U.S.C. § 1232g; 34 CFR Part 99) among a host of other regulations and laws, and the USDE did nothing and continues to ignore my pleas for help.

Covering Up Sexual Misconduct to earn an Education

In the fall of 2008, the **Spellings administration** rubber-stamped Western Seminary's requirement that masters degrees can *only* be earned IF a student (unknown to the student at the time) covers up a \$25,000 under-the-table-payoff (excess benefits from Western's charitable donations) for Steve Korch with the intent to prevent IRS disclosure, sexual misconduct with an under aged girl and a conflict of interest deal involving retired Superior Court judge, Leonard Sprinkles.

Although an appellate court determined settlement agreements covering up sexual misconduct violate public policy (see *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983)), the Spellings administration in 2008, subsequently rubber-stamped Western's demand that Divinity and Theology masters degrees cannot be earned *unless* known criminal acts of sexual misconduct are concealed with the payoff of charitable donations to a child molester.



Jane Doe in 1975

According to Western Seminary, its Board, Steve Korch, Gary Tuck, Lynn Ruark and their attorneys, there is no problem with a married man of 25—attending Bible school and working as a youth pastor—committing acts of sexual misconduct with a minor (the girl in the photo) while providing private, one-on-one counseling sessions in his church office.

They also noted that it was perfectly acceptable for this molester to acknowledge his criminal sexual misconduct at a “religious retreat” because it was protected and beyond the courts, as well as being equivalent to adult consensual sex. The court subsequently fined Steve Korch, Western Seminary and their attorneys \$1,925 for those arguments in their attempt to cover up Korch’s actions.

While Western Seminary—a conservative Baptist, evangelical school—argued that it was acceptable in other countries to be sexually involved with girls under the age of 18 and should be in the United States, *now, thanks to the Spellings administration, students can earn masters degrees only by way of agreements that cover up criminal sexual acts perpetrated by an adult, married youth pastor against a minor.*

The National Center for Victims of Crime estimates that one of four girls and one of six boys will experience an episode of sexual abuse while younger than 18 years. However, the numbers of boys affected may be falsely low because of reporting techniques (Ann Botash, MD, *Pediatric Annual*, May, 1997). Moreover, the Bureau of Justice Statistics reported in 2000 that 67 percent of all victims of sexual assault reported to law enforcement agencies are juveniles (under the age of 18). That makes for millions of voters in America who have been the subject of sexual abuse. It is likely that many of them will be very provoked that you can earn an education only by way of covering up sexual abuse and their tax dollars are going towards an agency that is promoting such is valid.

The girl in the above photo is 16. Frankly, 16-year-olds were much different in 1975 than they are now. I have included materials regarding the acts perpetrated against her (**Exhibit E**) that Western Seminary and Korch want kept from the public. I should note that others closely involved with the case have testified that Steve Korch does not deny these statements. Korch himself pleaded the Fifth because he does not want to be held accountable for his past actions in case the law changes. Instead, he wants to promote himself as being “spiritual.”¹ Although his ordaining church recommended that Korch voluntarily step down, he has refused and threatens anyone who attempts to expose his 1975 sexual misconduct with a minor.

According to the **Spellings administration**, it is perfectly fine to earn masters degrees under retaliatory threats by a child molester and a school helping a child molester. Moreover, if the student or a family member says anything about it, the Spellings administration thinks it is perfectly reasonable for the student to be forced to pay the molester and the school, and to never be able to earn an education. Although the appellate court ruled those kinds of demands violate public policy—and Attorney General Gerry Brown (D-CA) won a multi-million-dollar settlement against schools demanding similar “gags” and clauses for liquidated damages against student families in California—Margaret Spellings, the highest educational administrator in America, made a *political choice* that harms students instead of protecting them and she did this using taxpayer money.

Covering Up Section 504 Fraud to Earn an Education

¹ Perform a Google search on his name

In the fall of 2001, I was Rev. Dr. M. James Sawyer's graduate assistant for both the Church History and Theology courses at Western Seminary. My job included, among other things, grading and tracking masters-level student assignments and tests. I coordinated with students concerning deadlines for their submissions and reported back to Dr. Sawyer.

I was told about Section 504 of the ADA by my parents, both of whom taught at the junior and senior high school and college levels. My mother is a retired Jr./Sr. high school teacher, my father is a retired high school teacher and college professor who currently sits on a college board and performs accreditation reviews of other colleges, and my stepfather was an assistant professor at West Point and has taught courses for several other universities. There will soon be three generations of teachers in my family.

As an employee of Western Seminary who assessed the academic work of students, I received no information (either written or verbal) regarding procedures for making appropriate Section 504 *academic adjustments* to accommodate any disabled students I graded. Procedures for special needs students required by Section 504 of the ADA were *never* discussed with me, and I received no training by any Western Seminary administrator or instructor. No one met with me at any time during the fall 2001 semester to talk about accommodating any purported disabled student in any class I graded. There were no Section 504 student placements, accommodations or forms, or evaluations by medical professionals. Western Seminary produced *no evidence of Section 504 programming*, and a *Section 504 coordinator* was never named in response to my subpoenas during eight years of litigation. OCR materials responsive to my FOIA request show that Western Seminary and staff members lied to OCR, claiming they had a Section 504 program and documents "for at least five years." In December, due directly to my FOIA requests that remain partially unanswered, as a repeated whistle blower I notified OCR and the USDE of violations to 18 U.S.C. § 1001² that OCR failed to correctly investigate in 2005. Once again, due to my partially answered FOIA, as of March 16, 2011 there is no suspension or modification to the Financial Aid program for this school.



Matt Tuck

This problem dates back to the fall 2001 semester at the school, as one of the students I graded fell way behind in his course work. The student, Matthew Tuck, is the **adult** son of Gary Tuck, Western's academic coordinator and an instructor. Although Matt had time to *grade and teach Greek courses* in which I was enrolled and his father was assigned and paid to teach, Matt continued to fall farther and farther behind in his work for CHS 501—which was part of a masters-degree program. In essence, Matt Tuck was *robbing Peter to pay Paul*, as Mr. Ruark stated after I complained about the grading favors extended to Matt that discriminated against all other students including me.

According to sworn testimony, instructor Gary Tuck and his wife asked Professor Sawyer to alter test and homework deadlines for their adult son, Matt. No student services actions were involved and no documentation or evaluation of Matt's alleged disability by any medical professionals was provided to Professor Sawyer or Western's administrators—including Lynn Ruark. Matt registered normally, the same as any other student, and filed no disability accommodation forms, because such forms did not exist—contrary to the intentional misrepresentations told to OCR by Lynn Ruark (which my partially answered FOIA showed).

From testimony given under oath during discovery of my civil case against the school, I learned that Western never had a Section 504 program, or files, or forms, or a coordinator. This was being intentional misrepresented in 2005 to OCR and the OCR never fully investigated the school.

Steve Korch, Gary Tuck, Lynn Ruark, Rob Wiggins, Bert Downs and others retaliated against me after I questioned the special grading favors given to Matt Tuck in 2001 that discriminated against all other students, including me,

² I am aware that 18 U.S.C. § 1001 provides for a fine of up to \$10,000 or imprisonment for not more than five years, or both, for making a "false, fictitious or fraudulent statement or representation" to a federal agency [18 U.S.C. § 1001 (2000), amended by Act of July 27 2006, 18 U.S.C.A. § 1001 (West Supp. 2006)].

while Matt's habitual tardiness and poor work were excused by Western and ignored by OCR in 2005.

By 2006, I was then caused to agree that the *only* way I could earn an education was to not complain to the government concerning what I knew. If I did, I would not receive my degrees and I would have to pay the school and Gary Tuck.

Due directly to my **FOIA request 11-00068-F** and discovery materials Western produced, I found evidence that OCR failed to perform a full investigation of the materials Western submitted to OCR in 2005—including back-dated forms. My analysis of the documents OCR possessed and discovery documents are material evidence that Western Seminary, Bert Downs, Randy Roberts, Lynn Ruark, Rob Wiggins, Steve Korch and Gary Tuck were involved in falsifying documents and made intentional misrepresentations to the USDE during its 2005 investigation in order to continue receiving federal funds for student aid while Western dealt with my lawsuit. Of interest, Western Seminary had just experienced two years of academic probation due to its mismanaged finances—and they needed the federal funding to help them solicit more students.

My **FOIA request 11-00068-F** demonstrated to the Duncan administration in Dec 2010 that the Department under Spellings initiated and rubber-stamped new national policy requiring that masters degrees cannot be earned unless known acts of Section 504 violations and fraud are concealed, according to the documents obtained by the **FOIA request 11-00068-F** and discovery so far.

Requests to Spellings

These are only **two** examples confronting the Duncan administration concerning my case. I also possess testimony evidence of perjury by former Western president Bert Downs regarding the involvement of ATS in covering up unapproved substantive changes to a master degree programs to help the school (18 U.S.C. § 1621; 28 U.S.C. § 1746). I repeatedly asked Margaret Spellings to sit down and explain her side of the story. I stated:

The interview will consist of questions related to the U.S. Department of Education's involvement during the Spellings administration to cover for Western Seminary, two accreditation agencies (ATS/NWCCU) and three insurance companies concerning educational fraud, the lack of enforcement of 34 CFR 602 to the detriment of student Randy Chapel and his family, which nearly killed Randy. In particular, the cover up of the child molester Steve Korch in exchange for "Divinity" and "Theology" degrees, declaring Randy a rapist with no trial or investigation and violations of FERPA, the cover up of the investigation conducted by the Department concerning Section 504 regarding Western, Matt and Gary Tuck, the acts to cover up other students harmed by Western such as Kevin Ford, the covering up of the ATS and Western alliance to deal with complaints and actions by the Department against ATS and Western themselves and the Department's involvement in four lawsuits, etc.³

Margaret Spellings never replied.

I realize dealing with this complex and convoluted educational fraud is difficult for Secretary Duncan and his staff. I sympathize with the difficult situation in which the former administration has placed the current administration. I have noted to Secretary Duncan and to the current administration that I am well aware of this difficult controversy, and I have expressed my willingness to work with the agency to lessen the impact upon any civil servant who was intimidated by Margaret Spellings, Cheryl Oldham or Nancy C. Regan. I realize that the many delays and lack of production by the Department's FOIA Office has not been by chance or coincidence. I also realize Secretary Duncan's specialty is to create constructive solutions to complex problems even more problematic than those I've cited here.

However, I have reached my limit at this point. I have now lost everything as a result of the corrupt actions by Western Seminary, ATS and NWCCU, three insurance companies and the ongoing negligence of duty and malfeasance by the former USDE administration. The evidences overwhelmingly demonstrate that the Spellings

³ 20101006_Spellings.doc

administration covered for the school and accreditors (ATS and NWCCU) and the Department's own negligent and malfeasant actions while using tax payer money. I have lost my house, my possessions and my wife⁴ is divorcing me and I will not be able to see my only child—my son—as a result. My wife made clear in her UK court filings that she is taking this step as a direct result of my case. Last summer I nearly committed suicide. I really cannot deal with this much longer.

Mr. President, *you* called for *a spirit of cooperation and openness to prevail*. I previously extended understanding toward Secretary Duncan and the Department with regard to producing the materials I seek via the FOIA—materials we already know exist—despite the unpleasantness contained in those documents. I prefer to note the agency's successful transparency and the rule of law. I prefer to note the Department's exhaustive introspection regarding problems created by Margaret Spellings' political choices that negatively impacted higher education and my life. I need Secretary Duncan, as a reformer and the top education administrator in the nation, to make changes that prevent this sort of thing from ever happening again to any student or family.

I am prepared to engage in a constructive conversation and reasonable solutions, but I will need the materials I am seeking by way of my FOIA request to do this.

Mr. President, I know you have many very important national affairs to conduct on behalf of the welfare of this great nation. Will you *please* mention to your friend Secretary Duncan (when it is convenient) that I really need my FOIA request to be completed very soon (see Mr. Holder's memo section: Working Proactively and Promptly), so I can file my last remaining documents with the agency for my pursuit of justice on behalf of all students and their families?

Thank you in advance for whatever assistance you can provide.

Respectfully submitted,

Randy Chapel

20110404_ObamaHolder.doc

⁴ My wife is the daughter of Lord Bishop Donald Allister of Peterborough. She and her family are so appalled by the hopeless effects of what the U.S. government did in my case that they think divorce is the only resolution for us.

Subj: attn: Steve Korch
Date: 4/23/02 4:19:29 PM Pacific Daylight Time
From: A1975Christian
To: faculty2@westernseminary.edu

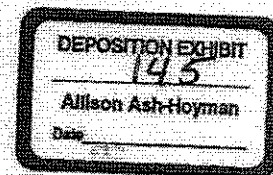
Dear Steve,

I imagine it will be a shock to hear from me after so many years, but thanks to the Internet it was easy to locate you. It looks like you've done well since your days as Youth Minister at Covenant Presbyterian Church in Orange, CA. I'm sure you'd like to forget those days, especially May 1975. Unfortunately, it's been hard for me to forget, especially because I never had closure. You never said you were sorry for sexually molesting me. I was only 16 and I trusted you. You and Ruthie led me to the Lord!!

It's interesting to read the part of your book where you talk about the first time you kissed Ruthie and how a kiss became a symbol of love for one another. My first kiss came from you. The irony is that because of what YOU took from me, I would not kiss the men I had relationships with until it had meaning to me. What I went through has affected all my relationships.

I am 43 now, still single, and all the stories on the news recently about the Catholic priests who molested children and got away with it, bring all my memories back to the surface. You are very lucky that the D.A. did not press charges against you. He wanted to, but my parents knew I could not have handled it emotionally. And at that point I only wanted to protect you and would never have agreed to testify against you. So they chose not to press charges.

After all these years, I still need to have you say you are sorry for what you did. Can you please give me that?



Subj: Thank You!
 Date: 4/24/02 10:33:54 AM Pacific Daylight Time
 From: SteveKorch@westernseminary.edu (Steve Korch)
 Reply-to: SteveKorch@westernseminary.edu
 To: A1975Christian@aol.com

Hi [REDACTED]...

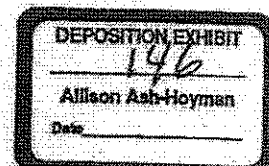
Thank you for taking the time to locate me and to share a bit of how your life has progressed since 1975. I am sorry to hear that my actions not only had a traumatic affect on your life in 1975, but that there has been a significant ongoing affect upon all your relationships since then. It is personally painful and humbling to hear of the extent that my actions have messed up your life. I had hoped that God had graciously blured the memories in your mind and that you had moved on to have a wonderful life. Your message seems to indicate that has not happened. I am deeply sorry for that and hope that you will be able to forgive me for the pain I have caused. Please forgive me for how I acted toward you. My actions were undeniably deplorable.

As for me, I have lived the past thirty years regretting that moral failure in my personal history. It was a very sobering lesson in reality and it has served as a constant reminder of what I am capable of doing if I do not keep myself morally disciplined and personally accountable to others. I am grateful to God that I was able to learn this lesson (with all its pain) at the beginning of my years of ministry. The experience has affected all of my relationships as well. Since that time, I have never allowed myself to be alone with another woman other than Ruthie. It has also shaped my expectations of those who have worked on staff with me. My awareness of the potential for moral failure in anyone has moved me to hold those around me to a very high standard of integrity.

Thank you again for contacting me.
 I pray God's best for you.

Steve

Steve Korch
 Executive Dean
 Western Seminary/Northern California
 16330 Los Gatos Blvd. suite 100
 Los Gatos, CA 95032
 408.356.6889 x408
 stevekorch@westernseminary.edu



----- Headers -----

Return-Path: <SteveKorch@westernseminary.edu>

Received: from nly-za01.mx.aol.com (nly-za01.mail.aol.com [172.31.36.97]) by air-za04.mail.aol.com (v84.10) with ESMTP id MAILINZA42-0424133354; Wed, 24 Apr 2002 13:33:54 -0400

Received: from Isalah.prophets.westernseminary.edu ([198.107.59.2]) by nly-za01.mx.aol.com (v85.3) with ESMTP id MAILRELAYINZA17-0424133330; Wed, 24 Apr 2002 13:33:30 -0400

When I was 16 I was sexually molested by Steve Korch. At the time I lived in Anaheim, CA. This is my story.

I met Steve when I began attending Covenant Presbyterian Church in Orange, CA in early March 1975. He was the youth pastor and the instant I met him and his wife Ruthie I liked them very much. Steve was full of energy, very charismatic and enthusiastic. I was not yet a Christian and I began attending his Wednesday night Bible studies and joined the church youth group on outings such as a night at a roller-skating rink and a day trip up to the mountains to enjoy the snow.

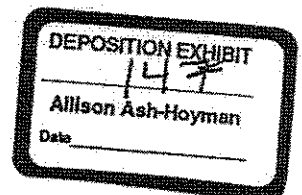
I had a lot of questions about God and after Bible study Steve would talk with me in his office which was located in a trailer. It was private; the main church office was located in another trailer which was perpendicular to Steve's. He always took his time with me and patiently answered all my questions, always seeking to lead me to the Lord. I learned he would soon graduate from Biola and that he had been at Covenant for about two years on a part-time basis. I also learned that he and Ruthie had been married a little over two years.

Before I began attending church I was a very depressed young girl. In my sophomore year of high school I found a mentor in my English teacher and he was always there for me when I needed to talk to someone. But during my junior year he went away for a year to Stanford and I bottled everything up inside. So I was really hurting and needing to talk to someone by the time I met Steve in the Spring of my junior year.

One Sunday night after the weekly youth group fellowship, Steve and Ruthie gave me a ride home in their red Volkswagon. I clearly remember how they beseeched me to give my life to Christ, how they said to me that Jesus was coming back soon and if I didn't go with them it would just break their hearts. I remember them telling me they were praying for me and how I thought to myself no one had ever told me that before.

When I became a Christian on March 22, 1975 both Steve and Ruthie were thrilled. They were so delighted that they took me out two days later for an all-day celebration. It was Spring break and we went to Maranatha Village, a Christian bookstore/gift shop and down to Balboa Island and out to lunch. On that day Steve gave me his copy of the book "Hind's Feet on High Places" which I still have. I also still have a thank you note that Ruthie wrote to me for some coffee mugs I gave them. In a short period of time they were becoming very special people to me.

Because I was still grappling with issues that troubled me and also because I was a brand-new Christian and still had lots of questions, Steve began spending time counseling me in his office. At last I had found someone I felt I could trust, someone who took the place of my teacher friend who was away. When I wrote to my teacher friend I told him about Steve and Ruthie in detail. He gave my letters back to me when he returned from Stanford, and I still have them.



In one letter to him I wrote, "One day as Steve and I were talking, I was having a hard time telling him exactly what was happening inside. Finally he suggested that if I could not say it, I should try writing it. I thought of you, my fear of writing for you, yet for some reason I did it. The next day when I was very deep into myself, I started writing. The end result was eight pages of thoughts I was much afraid to part with, but I knew I *had* to do it. Steve has accepted me for what I am and I was very thankful he understood my writing. He asked me if I would write for him whenever I felt the need *to* write. I said yes, I would share with him."

And that's exactly how I felt -- like Steve accepted me. I felt he understood me. And always, *always* I felt he was someone I could trust. But one day that would change. It started with a kiss.

In early April 1975 one night after Bible study, Steve kissed me when we were alone in his office. I had never been kissed. I had no idea what it felt like to be kissed. I was stunned he was kissing me. He was *married*. He was 25 years old. I was a sexually naïve, sexually immature 16-year-old. I knew it was wrong. But I didn't tell anyone. Except for a small hint to my teacher friend in a letter when I wrote, "Steve and I have grown very close to one another. Somehow I know it is not entirely right."

The next time Steve and I met in his office for counseling was a week after he'd kissed me. Eventually he began kissing me again. I didn't stop him. I thought I was special. I thought he must be attracted to me if he was kissing me, and no one had ever shown me that kind of attention before. I know now that was a normal reaction for a young girl in my situation. But after awhile he started doing more than kissing me. He began touching my breasts. I was shocked. But I was too terrified to stop him. He just kept kissing me and gradually his hand moved down to my pants. He unzipped my pants and put his fingers inside my vagina. It hurt; I was a virgin. I didn't know what to do. He began moving his fingers in and out of my vagina while he continued kissing me. I was too afraid to stop him, to tell him he was hurting me, that he shouldn't be doing that to me. And so he just kept doing it.

I still never told anyone. But I kept a diary at the time and I wrote in the diary about what Steve was doing to me. I still had it in my head that I must be special. I began to think that maybe when I met with Steve for counseling he would simply kiss me to show me I was special. I would think I don't want him to do the other stuff because it hurts and I would hope that maybe he would just kiss me instead. But the molesting continued on several more occasions. And I wrote about it in my diary.

One day I looked at Steve and I said "you have Ruthie. *Why???*" I remember the look on Steve's face when he answered "I don't know". A look that seemed to say he truly didn't understand why he was hurting this young girl who trusted him.

I don't remember Steve ever saying to me that this was our secret and that I should not tell anyone what was happening. I think he knew that I wasn't going to tell anyone.

The thing that scared me the most was a question Steve posed to me one day. I had shared with him how I always wanted to have something to look forward to. And one time when he was molesting me he stopped for a minute and looked at me and said, "something to look forward to?" I was stunned. I remember just looking at him and something clicked in my brain, *this is so wrong!!* To me he was implying the things that he was doing to me were something for me to look forward to. And still I told no one.

One day after Steve had locked the door to his office, someone came and tried to open it. If the door had not been locked they would have caught Steve in the act. I remember the alarm on his face when he heard someone try to come in; he must have realized how close he came to being caught. I remember it was a guy in the youth group named Bob. But I never knew if he ever said anything to anyone about the door being locked.

On Monday, May 5, 1975 I took the bus to the church. Steve worked on Monday and Wednesday afternoons and I went to talk to him after I got home from school. When I got there that day I gave Steve several pages I had written of my thoughts and feelings. Despite the fact he was sexually abusing me, I was still thinking he wanted me to share with him.

On that date Steve eventually went further than he ever had before. For the first time he took out his erect penis and he put it right next to my vagina. He said something about just wanting to hold it there. I remember feeling very nervous. I didn't know what he was thinking. I didn't know what to do. But then he suddenly sent me away. He said he had work to do and instead of giving me a ride home like he usually did, I was going to have to take the bus home. I remember feeling like I was just being discarded like a piece of trash. I clearly remember and can picture me sitting in the corner on the floor of his trailer and begging him to let me stay and sit quietly while he did his work. I had thought I was special to him and now I was feeling like he had just used me. It was a terrible feeling. He refused to let me stay there and forced me to leave. And so I did.

I began walking slowly to the bus stop and I remember something just snapped in my brain. I remember feeling dazed. I remember hurting *so* bad and thinking to myself this man I trusted so completely has done terrible things to me. I remember it hitting me how horribly *wrong* it was. I think that was the exact moment I came to realize I was being sexually abused, without knowing the term for it at the time. I really just went into shock.

I never got on the bus. I walked in my dazed state to the Orange Mall and I went and sat in the lounge in the women's bathroom in Sears. And there I sat until the Mall closed several hours later. I remember inconsequential details like all I had for dinner was a Three Musketeers candy bar. I remember women coming in and out of the restroom and some of them looking at me with concern; some asked if I was okay. No one knew what a traumatized little girl they were looking at. I remember exactly what I was wearing. I remember how alone I felt. But what I remember the most is the physical pain I felt when I used the restroom and how at that moment I came to a stark realization and I said to myself, "*Steve broke my hymen*". I just knew. And looking back now I realize that

Steve himself must have realized that, and that perhaps that was what he'd been trying to do all along. I think that date was when it happened and perhaps that was why it was the first time he had ventured to put his penis next to me. As I learned later, if there had been even the slightest penetration then Steve would have been guilty of statutory rape.

After the Mall closed I began walking back towards the church. It was 9:00 p.m. and even though I subconsciously knew my family must be worried, I could not bring myself to go home. I was still so in shock, so unsure of what to do. There was a small "Church of Christ" church located behind Covenant and their doors were unlocked. (The building is still there today, though it is no longer a church.) I went inside and I remember I curled up underneath their altar and I went to sleep. A couple of hours later when I woke up, I started to walk over to Covenant. But as I got closer I saw police cars and Steve's red VW in the parking lot. I froze. Suddenly I knew why they were there. So I went back to the Church of Christ and stayed there for awhile longer. Eventually I went back over to Covenant and the police cars were gone. I had a key to the church as all members did, and I went inside and went to sleep at the back of the sanctuary where the audio equipment was.

I stayed there all the next day. The next night I heard someone come into the sanctuary and I recognized the voice of my sister and our friend from the youth group. She was crying and asking him where I could be, and they prayed together. In my traumatized state I was not able to come out from my hiding place. But it was agony to hear my sister crying. This is to illustrate how Steve's actions had so affected me. My sister to this day remembers that time of prayer with our friend, and she recently said to me, "of course I didn't know you were in the back." She also told me she remembers our father crying when I was missing.

After the two of them left I started thinking that I wanted to go find a phone booth and call Steve. I don't know what I was thinking I would say to him then, but I started to walk to a nearby park - Shaffer Park - to find a phone. It was dark and I saw some men walking down the street towards me and I got scared. There was a fire station right there - the Shaffer Street fire station - and I went inside. I began to think that maybe they could help me find a nice Christian home where I could just go for the night to get something to eat and wash my hair. I was so hungry and so dehydrated.

The firemen of course took me to be a runaway and they asked me my name. I didn't want to tell them my real name so I told them my name was "Melody". They were very kind to me and I remember they fixed me a waffle and a Coke. They tried to get more information out of me and I began to realize they were stalling me until the police could get there, so I took off. I ran back to Covenant and spent my second night in the back of the church by the audio equipment.

What I didn't know at the time was that after I went missing, my mother looked for my diary. When she found it and read my words, she knew then that I had been molested. Of course she immediately notified the police about it and showed them my diary. As I learned later, Steve was then questioned for two hours by the Orange police department.

I do not know if he was questioned by the police on May 5th or May 6th, but it was one of those two dates.

On Wednesday, May 7, 1975, I stayed hidden in the back of the sanctuary until 3:00 when Steve arrived for work. I was watching for him from the window. As soon as I saw his red VW pull into the parking lot I headed over to his trailer office. I remember I just walked in without knocking. Steve looked up at me in surprise and shock; in his hands were the pages I had given him to read the last time I saw him two days earlier. It was clear that the first thing he'd done when he got in his office was gotten them out to read again. And I remember how his look changed to one of anger. In another letter to my teacher friend I refer to what Steve said to me then as "a rude few words".

I remember I asked if I could use his phone. He walked out of the office as I called my mother and asked her to come pick me up. She was so relieved to hear from me of course, and she asked where I was. I said "Steve Korch's office", not knowing then that she knew what Steve had done to me. Steve stayed in the main office trailer until my mother pulled into the parking lot. As I walked to the car he came out of the office and actually waved hello to my mother.

She told me we had to go to the Anaheim police department immediately. I cried; I did not want to go. I was hungry, I was dehydrated, I was physically exhausted and emotionally spent. But after making me something to eat, she took me to Anaheim PD. At first a male detective interviewed me. But he was very brutal with me and I was basically victimized all over again. I don't know why, but I was trying to protect Steve and didn't want to tell him anything. I remember he yelled at me. I cried and cried and begged him to let me talk to a female officer instead. Eventually they did bring in a woman and she was very gentle with me. She tape recorded my statement and helped me get through telling her my story. It took a long time because there were several incidents of molestation and she wanted all the details. She was the one who tried to find out if there had been any penetration.

In a letter dated May 12, 1975 to my teacher friend about these events, I told him "Right now I am in the police files as a runaway." I told him, "Two police departments are involved." About my time at the Anaheim police station I wrote, "I was there almost 4 hours and maybe 1% of that talking time was about my 'running away'. The rest was about Steve Korch. They made me tell them everything I knew. I had to do it for Steve. They said if I didn't talk, it would mean much more trouble for Steve; that I would be ruining him." I told him, "I'm suffering right now very much. I haven't done a thing in school since I've been back. The other day in class I just put my head down and cried."

In that letter I also stated, "I'm waiting now to hear from the Orange police department whether they will be prosecuting Steve or not. The waiting hurts. My mind is so bogged down with thoughts. I can't concentrate! I feel like I died Wednesday - the day I came home."

Though the D.A. did want to prosecute Steve for what he did to me, ultimately my parents told them it would be bad for me and so charges were never filed. Because I was not strong enough emotionally then to testify against him, Steve got off completely. He went on to attend and graduate from Western Seminary and pastored several churches over the years.

A few days after the police investigation the church pastor, Dr. Ralph Didier, called my parents and I to a meeting with him and the deacons. What I remember about that meeting is my fear and that they told me that Steve had told Ruthie and the Orange police that I threw myself at him. They tried to put the blame on me, saying I had tempted him. My sister remembers that nothing was ever said; no one at the church was ever told what had happened.

The last time I saw Steve Korch was on May 25, 1975 when he preached on his last Sunday at the church. He never came to me while he had the chance to tell me he was sorry, to explain why he'd hurt me, or to ask my forgiveness. *He never came to me.* That is what hurts the most. Why not? And why did he pick *me*?

I remember the day after I returned to school, the principal let me have some time with my best friend in one of the offices to cry and talk. But I could not bring myself to tell her I had been molested. Now it's 30 years later and she and I are still in touch and one day in March 2005 I called her. I asked her if she remembered an incident in our junior year when I was missing for two days. She said yes and I asked her to tell me what she remembered about that time.

She immediately said "you were very quiet after that". She told me she suspected that "something happened with the guy at church". I asked her why she thought that and she said "because you didn't talk about him as much, and you did before that." She said that when I had talked about him before she got the impression he was like a mentor and that I was very fond of him, and she said I spoke very positively about him. She said she remembered the two days I was missing and that when I returned I was very sullen. She said, "your personality changed; you weren't a kid anymore". She had met Steve Korch once, when she came with the youth group on the outing to the mountains on March 15, 1975. Now, 30 years later, she would finally learn the reason for the drastic change in her best friend's personality. All these years I had never known she had suspected he was the reason all along.

I did not receive any counseling. My parents did want me to go for counseling but I did not want to go. I convinced people that I was fine. But inside I was in so much pain. I buried it and did not really let myself feel it. It was not until many years later that I spoke about the molestation with a counselor.

In a letter written in July 1975 to my teacher friend, I told him about the youth pastor that came after Steve and about some talks we'd had. I told him about having another meeting with Dr. Didier and asking him if the new youth pastor knew about what had happened with Steve and I. I wrote, "he said no, he told him just one little thing

concerning Steve that he really couldn't do much with. He told me just what it was he knew." Then I mentioned that during my second talk with the new youth pastor, "I found out that he knows everything and the pastor is the one who told him." So even though the members of the church were never told, there were other people who knew what Steve had done.

In 1980 (I believe it was in February) I decided to call Steve and Ruthie. I don't know why. Her father gave me their phone number in Oregon and I called. Ruthie answered; they had just returned from a trip but she sounded really happy to hear from me and she chatted away for several minutes, telling me about their children. Then I asked to speak to Steve. She put him on the phone but he clearly did not want to speak to me. He was as cold as ice. He barely responded to anything I said or asked and I finally ended the conversation, probably much to his relief. I never spoke to him again. I suppose part of me was hoping to hear him tell me that day how sorry he was.

I never married. Over the years I would have dreams about Steve in which I would scream at him and say "you never said you were sorry!!" In April and May 2000 when it was the 25-year "anniversary" of the events, I remember calling my sister and just crying, telling her I never had closure.

In 2002 news stories started coming out about Catholic priests who had molested children. Many of the incidents happened in the 1970's like mine had, and when I read some of the victims' stories about their trust being abused by someone of faith, it brought all my pain to the surface. It brought back a lot of my memories of Steve Korch hurting me. It was so, so painful. In April 2002, I got the idea for the first time to look for Steve on the Internet. I typed in his name in Yahoo and was stunned to see two links – that he was now the Dean of Western Seminary in San Jose, CA and that he had written a book called "My Soul Thirsts".

I ordered his book and read it, and before I finished it I drafted an e-mail that I had decided I would send. I sent the e-mail to him at Western Seminary on April 23, 2002, telling him I still needed to have him say he was sorry. The very next day Steve responded. He didn't deny what he had done. He called it a "moral failure" and said "my actions were undeniably deplorable". And he said he was sorry. I remember after I printed his response, I held the e-mail in my hand and said to myself, "so this is it? I'm supposed to feel closure now?" I still wondered why he had never come to me years earlier; why it took *me* coming to him to ask him to say he was sorry to get to hear the words. Or I should say read the words. I think now he should have offered to speak to me or meet with me to let me hear his voice and look in his eyes to see if there was really remorse. I think now that the words he wrote to me that day were simply to placate me.

My teacher friend's opinion of Steve's response to me was that it was too "polished", that he sounded very slick. I didn't see it myself at the time though.

Three more years passed and in early February 2005 as the 30-year "anniversary" approached I began having frequent thoughts of Steve and flashbacks to that traumatic

time in my life. I had trouble concentrating at work, I became very depressed and cried a lot. Memories I had repressed began coming back to me. I began thinking how very much I wanted to have a face-to-face meeting with Steve, to look in his eyes and ask him some questions and *hear* him tell me he was sorry *to my face*. I decided to see if Steve was still with Western Seminary and once again typed his name in Yahoo. This time to my surprise I found a web-site called religioushypocrites.com, which told about a lawsuit filed by Randy Chapel, a student at Western, against a woman named Debbie Brumbaugh, as well as Steve Korch, Western Seminary and other people at the school.

I contacted Randy Chapel in February 2005 and eventually decided to share my story with him about my experience with Steve Korch. It was hard to do this. But eventually I came to realize that in doing so we could get my story out there so people would know what Steve did to an innocent little girl who trusted him completely, and hopefully find out if there are other victims. This is why I have come forward to share my story. It is my hope that if there are other victims of Steve Korch, they will have the courage to come forward too and find healing, as I am trying to do after 30 years of pain, and that the words of I Corinthians 1: 3-4 would spring to life.

Exhibit D

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May 31, 2011

VIA USPS CERTIFIED EXPRESS MAIL

Certified USPS Express Mail EG 602429920 US
President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Certified USPS Express Mail EG 602429933 US
Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: FOIA request Nos: 11-01189-F, 11-01217-F, 11-01218-F, and 11-01200-F to the U.S. Department of Education

Dear President Obama and Attorney General Holder:

I am writing about noncompliance with President Obama's January 21, 2009, FOIA Memorandum and Mr. Holder's March 19, 2009, FOIA Memorandum by the U.S. Department of Education (USDE), and USDE negligence of duty.

This isn't the first time EDFOIA withheld documents from us. On March 26, 2009, Delores Barber of EDFOIA apologized to my wife, Carol Nye-Wilson, on behalf of President Obama and the Attorney General for the EDFOIA Office's lack of transparency *after* Carol had already filed *No. 08-00498 LEK* in U.S. District Court, Hawaii, against Ms Spellings and USDE. That case settlement required EDFOIA to further search for documents Carol requested.

My wife and I have pending FOIA requests Nos: 11-01189-F, 11-01217-F, 11-01218-F, and 11-01200-F for which we filed appeals dated, May 13, 2011 (**Exhibits A and B**). No FOIA responses have been provided to us.

The USDE is withholding documents that we know exist. Those documents and withholding them demonstrates and tolls the ongoing USDE negligence and coverup of educational fraud by the former administration.

This educational fraud involves administrators of four entities: the Spellings administration, Western Seminary, the regional accrediting agency—Northwest Commission on Colleges and Universities (NWCCU)—and the national accrediting agency—the Association of Theological Schools in the United States and Canada (ATS).

On April 4, 2011, our son, Randy Chapel, wrote to you both about the unlawfulness Secretary Spellings condoned (**Exhibit C**). Carol and I witnessed the USDE negligence of duty about unlawfulness including and not limited to:

1. Western Seminary demanded Randy and my wife conceal sexual misconduct (hidden by Steve Korch for 30 years) *IF Randy wanted to receive two masters degrees* offered in Western's March 14, 2006 settlement agreement. Western held Randy's 81 postgraduate credits he previously earned as hostage to cause Randy and Carol to conceal the sexual misconduct that Mr. Korch hid from Western Seminary (1) in Western's 1999 employment application and interview; (2) in Western's 1999 ATS Visiting Team Review; and (3) Western's 2003 Self Study (with President Downs) for ATS accreditation and Title IV federal student funds the Seminary needed. Western's 2003 probation by NWCCU was related to financial problems.
2. The Appellate Court case, *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) prohibits settlement agreement confidentiality clauses to conceal child molestation,¹ as it violates public policy. Nonetheless,

¹http://scholar.google.com/scholar_case?case=10112374675921897873&hl=en&as_sdt=2&as_vis=1&oi=scholar The stipulated order of confidentiality is contrary to public policy, contrary to the ideal that full and impartial justice shall be secured in every matter and designed to secrete the evidence in the case from the very public agency charged with the responsibility of policing the medical profession. We believe it clearly improper, even on stipulation of the parties, for the court to issue an order designed not to preserve the integrity and efficiency of the administration of justice (cf. *Younger v. Smith* (1973) 30 Cal. App.3d 138 [106 Cal. Rptr. 225]), but to subvert public policy by shielding the doctor from

Secretary Spellings and ATS overstepped their authority and public policy to condone Western's agreement that demands Randy and Carol must conceal Korch's molestations.

3. In July 2007, *The People of California v. Corinthian Schools*, had a cause of action against settlement agreements (as Western's to Randy and Carol) demanding "gag orders" and "liquidated damages"² to prevent complaints to the government by students and others. Secretary Spellings and ATS violated³ state and federal laws, and ATS Standard 2.2, by condoning the 3-14-06 settlement agreement without any authority of the HEA or 34 CFR 602. In contrast, on July 21, 2008, DeNise Hill of USDE stated to Carol: **"The right to file a grievance with the Department cannot be waived. The school has no authority to do so."**

The Tenth Amendment of the Constitution gave states rights over education. California's Education Code 94832(l) protected Randy's grievance rights. Western's Articles of Incorporation and California operation require law compliance. Paragraph 19 of the agreement gave control to California law, and the AAEU had copies of the CEC and the agreement in 2008. Neither Ms. Spellings, nor Ms. Regan, nor ATS had authority to *legitimize* Western Seminary's settlement agreement, and ATS Standard 2.2 requires compliance with laws [and public policy] that the agreement violated. On August 6, 2008, the NWCCU review misrepresented to USDE there were no California laws over Western Seminary contrary to facts. Ms. Elman omitted Western's 2006-07 false annual report concealing the distance learning courses offered to Randy. Ms. Elman also omitted the NWCCU 2006 substantive change policies for "level one" schools on probation that the AAEU studied and had in its possession on August 29, 2008. Ms. Regan negligently declared ATS and NWCCU complied with agency standards and the Secretary's criteria for Recognition.

Harry Yee, U.S. attorney in Hawaii, told Carol and her attorney in June 2009, he couldn't ask the USDE to reconsider the August 29, September 29, and October 24, 2008 determinations but Carol should request it if USDE had no supporting documents. Carol, Randy, and our attorney wrote numerous appeals for reconsideration to USDE that were unanswered. Subsequently, Western Seminary used the NWCCU and ATS false reviews against Randy and Carol in two civil cases, causing us great injustice, financial loss, and emotional distress. USDE irreparably damaged Randy personally, professionally and academically.

4. **Western's perjured testimony (18 U.S.C. § 1621; 28 U.S.C. § 1746) on January 3, 2010, demonstrates how Western continued covering for ATS while ATS covered for Western with unwritten, unregulated, nonpublic policies for exceptions that President Roberts and Rob Wiggins both testified do not exist in writing and they've never seen.** The ATS written policy, Part 6, and ATS letters in the possession of AAEU required Commission approval for 6 or more credits offered by distance learning in any degree program. ATS omitted its written policies and acted with an unwritten policy for *exceptions*. The 3-14-06 settlement agreement offered 12 credits for the Th.M. masters degree via distance learning independent study that Ms. Regan admitted on August 29 and September 29, 2008 was a substantive change. The USDE negligently allowed

governmental investigation designed to protect the public from misconduct within the medical profession, and which may disclose a professional license of this state was used to establish a relationship which subjected a juvenile patient to criminal conduct. Such a stipulation is against public policy, similar to an agreement to conceal judicial proceedings and to obstruct justice. (*Maryland C. Co. v. Fidelity, etc. Co.* (1925) 71 Cal. App. 492, 499 [236 P. 210].) Moreover, in light of the statutory obligation 317*317 of Division to investigate and regulate the medical profession, "a law established for a public reason cannot be waived or circumvented by a private act or agreement." (*Covino v. Governing Board* (1977) 76 Cal. App.3d 314, 322 [142 Cal. Rptr. 812]; Civ. Code, § 3513; see *Bianco v. Superior Court* (1968) 265 Cal. App.2d 126, 130-131 [71 Cal. Rptr. 322]; *Benane v. Internal Harvester Co.* (1956) 142 Cal. App.2d Supp. 874, 878 [299 P.2d 750].) Accordingly, since such a contract made in violation of established public policy will not be enforced (*Bianco v. Superior Court, supra*, 265 Cal. App.2d 126, 131), it is improper for the court to sanction the parties' stipulation under the pain of threatened contempt. In light of its overbreadth and its intended effect upon the investigation of Division, we strike the order of confidentiality, stressing an enactment designed for the public welfare cannot be abridged by stipulation. (3 Cal.Jur.3d, Agreed Case and Stipulations, § 18, p. 270; see *Wilson v. Wilson* (1973) 45 Cal. 399, 405.)

² http://ag.ca.gov/cms_pdfs/press/2007-07-31_Complaint_for_Final_Judgment_072407.pdf, Page 9, "t. Defendants have required confidentiality clauses in agreements settling disputes with third parties, including students, former students, and graduates, which bar those who settle from discussing any of the bases for their disputes with "any governmental agency," and which purport to require those who settle to pay Defendants liquidated damages, in the amount of the entire sum paid under any settlement, if such confidentiality clause is violated."

³ On August 29, 2008, Nancy C. Regan quoted ATS's review letter dated, July 21, 2008, stating (under Margaret Spellings direction), "the Commission does not judge that Western Seminary was in violation of Commission standards or procedures with regard to either Mr. Chapel's complaint or the settlement agreement." Then on October 24, 2008, Cheryl Oldham, Asst. Secretary of Education (as directed by Spellings), furthered the violations of federal and state laws and ATS's Standard 2.2 in her misrepresentative letter to Congresswoman Mazie Hirono.

nonpublic and nonconforming policies to overstep the Secretary's criteria for Recognition and the HEA. Chuck Mula's E-mail to Randy dated 7-21-08 stated the Department would consider a degree not approved if [ATS] used an unwritten policy instead of its written policy (**Exhibit D**), [because substantive change approval must comply with 34 CFR 602.22].

Randy's "OCR Review" to the USDE on December 31, 2010 **blew the whistle** on Western Seminary's *willful and knowing misrepresentations* (18 U.S.C. § 1001) in **criminal enterprises** that Carol and I witnessed:

1. On July 25, 2005, Lynn Ruark's letter to OCR misrepresented Western Seminary's Section 504 forms and procedures during the OCR investigation. Mr. Ruark deceptively stated, [Western had] "**specific [Section 504] policies and procedures in place for several years (at least 5 years), but they have not been published** or posted on the website until now." Mr. Ruark's E-mail to Mr. Roberts on July 20, 2005, stated Ruark merely copied Section 504 forms from other colleges to create forms to send to OCR. Mr. Ruark sent undated forms, then he later gave OCR one of the same forms that he subsequently back-dated to 2003. Mr. Ruark's August 10, 2005, deposition testimony (P74:1-19) shows Ruark LIED to federal investigators:

P 74:1 BY MR. DRESSER: 2 Q In 2002, did Western Seminary have a 3 Section 504 form for students to fill out? 4 A I don't believe in 2002 we had such a 5 form. 6 Q Does Western Seminary now have a Section 7 504 form? 8 A I'm not sure exactly what is meant by a 9 Section 504 form, but we now have a form which we 10 ask any student requesting accommodation because 11 of disability to fill out. 12 Q Did Matthew Tuck fill out a form 13 requesting accommodation to be able to complete 14 his coursework in a timely manner other than as 15 specifically stated in Western Seminary's student 16 handbook or student catalog? 17 A I don't believe we had a form at that 18 time, and subsequently he did -- or consequently 19 he did not fill out such a form.

2. Matt Tuck was a student at Western Seminary in 2000 – 2004. His father, Gary Tuck (Western's Academic Coordinator), asked Dr. Sawyer [deposition testimony] to give privileges to his adult son, Matt, who registered at Western as a normal student and not as learning disabled. No Section 504 procedures were involved or existed prior to the July 2005 OCR investigation (see pages 5 – 11 of "OCR Review") just before Randy's lawsuit was scheduled for trial. Western Seminary wrote the settlement agreement of 3-14-06 demanding Randy and Carol must conceal confidential matters (molestations, discrimination, conflict of interest, and misrepresentations to USDE/ OCR/BPPVE) IF Randy wanted to finish his 2 masters degrees offered in the agreement. On August 29, 2008, Ms. Regan and Ms. Spellings negligently agreed with ATS's approval of the unlawful settlement agreement that violated ATS's Standard 2.2. After Randy blew the whistle to OCR and USDE on December 31, 2010, USDE negligently ignored the material facts, just as *the 2003 OIG AAEU Audit* described the USDE and AAEU negligence.
3. The ATS letter dated, February 26, 2008, to Carol Griffiths, ASL Chief for the USDE admits Western's *exception* offered 12 credits of MDiv at San Jose to count for 12 credits of ThM. The AAEU Analyst, Chuck Mula, stated if the ThM was a Portland degree, then Western needed prior written approval from NWCCU for changing the degree, before offering it to Randy. NWCCU misrepresented the ThM masters degree in paragraphs 1(e)(i)(ii) and (iii) was *only about* 12 independent study credits, while the entire 25 credits for the degree were actually in 1(e) of the agreement. On 8-6-08, Ms. Elman stated it would be a substantive change if the 12 credits (independent study by distance learning) lacked the same education quality as the traditional degree. Obviously, those 12 credits lacked peer interaction and critiques required in the traditional Th.M. and was inferior to the traditional program quality. Ms. Elman knew those facts prior to writing her 8-6-08 review, due to her knowledge of the nature of distance learning and independent study. On November 13, 2008, President Roberts testified under oath the Th.M. program offered in the agreement did not meet ATS's [traditional] Th.M. standards. On August 29, 2008, USDE negligently declared NWCCU and ATS compliant with the Secretary's criteria for Recognition even though they violated 34 CFR 602.22, 602.20, 602.15, and 602.23. Beginning in January 2, 2008, Chuck Mula identified the unapproved substantive changes several times with no enforcement follow-through, and he deeply harmed us.

Western Seminary's people are retaliation bullies including and not limited to the following actions:

1. On September 15, 2006, Western's two E-mails to ATS and NWCCU defamed Randy by insinuating he had a habitual, immoral "lifestyle." (Western's attorneys conceded Randy had sex once with Ms. Brum-

baugh, and Rob Wiggins testified “habitual” meant “more than once.” Western Seminary’s student code requires “habitual infractions” for suspension, so Western’s “concerns” for its April 2, 2002, kangaroo court were moot and fraudulent, but stuck. Messrs. Downs and Roberts offered to collude with ATS and NWCCU against Randy, Carol, and the USDE (**Exhibit E**). Western Seminary’s false light about Randy to NWCCU and ATS in 2006, set prejudice against Randy with the same *modus operandi* as the August 1, 2005, *Western Horizon*’s newsletter insinuating to all Western Seminary employees and trustees Randy was “the powers of darkness” and the “enemy” to be walled out. The newsletter applauded Steve Korch as a “team player,” and omitted Korch was a married youth pastor whose sexual misconduct damaged the life of a teen in his youth group. (**Exhibit F**). On August 29, 2008, the AAEU had these documents in its possession when Ms. Regan negligently condoned ATS’s determination about Randy’s complaints that Western violated its own policies, ATS standards/ policies, and state and federal laws. Ms. Regan neglected her duty on August 29 and September 29, 2008, in letters omitting criteria for the Secretary’s Recognition and ATS’s standards 2.1 and 2.2. *The 2003 OIG AAEU Audit*, page 6, identified similar AAEU negligence.

2. In May 2008, Len Sprinkles (retired superior court judge and mediator) sent Randy and Carol his mediation file including Sprinkles’ note listing all settlement contributions by two insurance companies and Western with Steve Korch getting \$25,000 “off the top” of the settlement trust funds for Randy’s case, Chapel v. Western Seminary et al. Sprinkles charged Randy for negotiating Korch’s money, while Sprinkles didn’t charge Korch’s attorney who is law partners with Sprinkles’ wife—all undisclosed to Carol. Paragraph 13 of the agreement required each party to pay their own costs and fees, but every Defendant testified they knew *before they signed*, Korch got \$25,000. Korch testified there were no other agreements besides the settlement agreement. Five days before settlement, Linda McPharlin (Korch’s attorney) demanded \$25,000 paid to Korch from Randy’s consideration. Randy and Dresser rejected McPharlin’s demands, stating Randy would *never* sign any contract awarding anything to Steve Korch who nearly killed Randy and Korch’s molestation victim. The attorneys, the Defendants, the insurance reps, and a judge defrauded Randy Chapel and Carol Nye-Wilson (and IRS and California) with an under-the-table “excess benefit” from charitable funds negotiated for Korch that the settlement agreement depicted as Randy’s. Each school administrator and attorney used “mediation privilege” to conceal mediation fraud, including Lynn Ruark as financial aide advisor, probably violating CA Business and Professions Code 480 and Penal Code 182.
3. On September 5, 2008, Lynn Ruark testified Randy and Carol were “gagged” in the settlement agreement because Western Seminary was concerned about its accreditation, and because Carol picketed the school.
4. In 2010, Western willfully and knowingly violated Randy’s FERPA rights (20 U.S.C. § 1232g; 34 CFR Part 99). Randy and Carol asked USDE for help, and the USDE *again* ignored them after Secretary Duncan’s office stated Carol’s message was sent to the appropriate person. Western violated many regulations, laws and accreditation requirements against Randy, and the USDE neglected its duty of enforcement of 34 CFR 602 and the FERPA while Randy pleaded for help before he disappeared intending to die due to his great emotional distress. In 2008- present, Carol and our attorneys wrote several letters asking the USDE for help. The USDE’s ongoing negligence added more distress, desperation, and pain to Carol at 70-years-old, and the USDE intentional emotional distress by negligence of duty caused Randy irreparable damage.

The 2003 OIG AAEU Audit perfectly describes the ongoing negligence of duty and malfeasance by USDE impacting Randy, Carol, me, our family, and every student and family in America.

1. “*Finding No. 2*” (page 6) notes the USDE negligence of duty that is ongoing: “AAEU Has Limited Written Procedures and Documentation Addressing Its Evaluations of Accrediting Agency Standards and Procedures.” **“Without adequate written procedures and documentation, there is no assurance that the specialists are evaluating accrediting agency standards and procedures in a consistent and effective manner.”** Obviously, Ms. Regan and Ms. Oldham failed to evaluate if ATS applied Standard 2.2, because the writings by USDE and ATS do not agree with state and federal laws. On November 13, 2008, Western’s President Roberts testified ATS has no substantive change policy—a 34 CFR 602.22 violation.
2. Page 7 of the *OIG Audit* notes, “Circular A-123 on Management Accountability and Control (June 21, 1995) by the Office of Management and Budget (OMB) requires Federal agencies and **individual Federal managers** take “systematic and proactive measures to develop and implement appropriate, cost-effective management controls... the organization, policies, and procedures used to reasonably ensure that (i) pro-

grams achieve their intended results; (ii) **resources are used consistent with agency mission**; (iii) **programs and resources are protected from waste, fraud, and mismanagement**; (iv) **laws and regulations are followed**; and (v) reliable and timely information is obtained, maintained, reported and used for decision making.” The USDE FAILED the OMB management controls and neglected enforcement of laws.

3. Page 8 of *The Audit* notes the AAEU lacks adequate evaluation criteria required by 34 C.F.R. § 602.21(a) to determine the *quality of education* that accreditors must evaluate prior to approval. ATS stated paragraph 1(e)(i),(ii),(iii) of the agreement has the same number of credits (25) and the same objectives as the traditional Th.M. for *quality assurance*. The *objectives* for paragraphs 1(d) and 1(e) in the settlement agreement require “substantial compliance with paragraph 11 of the agreement.” That means, Randy could not register for or achieve the remaining 22 Th.M. degree credits unless he agreed to conceal child molestations by Steve Korch and conceal Western’s violations of Section 504 of the ADA and other law violations. And if Randy violated paragraph 11, even though he earned the final MDiv credits, Western intended to withhold the MDiv degree and attempt to charge liquidated damages. *That is why* Western withheld Randy’s grades, transcripts, letters of reference to 8 universities, and his M.Div. diploma—as *hostage*. None of the mission statements of Western Seminary (*Nurturing spiritual leaders*), ATS, NWCCU, or the USDE correlate with Western’s despicable demand to conceal Korch’s child molestations and conceal Western’s violations of Section 504 of the ADA. Western’s “mission statement” in the settlement agreement is *conceal fraud!* The USDE August 29 and September 29, 2008 letters omitted the requirements of 34 C.F.R. § 602.21(a) concerning *lack of quality education* offered in the agreement, as did the reviews of ATS and NWCCU. Chuck Mula told Randy the Department didn’t like the extra requirements for Randy to obtain his education, but the USDE neglected its duty to assure *quality* education for Randy, and harmed Randy and every student in America. Mr. Roberts testified on November 13, 2008, ATS was setting a precedent. USDE helped ATS.
4. Page 11 in *The Audit* quoted the HEA § 496(n)(4) requiring “[t]he Secretary shall maintain sufficient documentation to support the conclusions reached in the recognition process. . . .” GAO’s *Internal Control Standards* states that “all transactions and other significant events need to be clearly documented, and the documentation should be readily available for examination” and that “[a]ll documentation and records should be properly managed and maintained.” The OIG investigated **AAEU Reports failing to document decisions and did not address two specific regulations: 34 C.F.R. § 602.22 (Substantive change) and 34 C.F.R. § 602.20 (Enforcement of standards)**. That major USDE negligence of duty irreparably harmed Randy. IF USDE had enforced 602.22 and 602.20 on ATS and NWCCU for Randy’s complaints, ATS and NWCCU would have enforced their 2006 written policies and standards on Western Seminary to comply or lose its accreditation, Title IV funds, and state registrations. Instead, Ms. Spellings maintained *status quo* of 2003 allowing Western Seminary, ATS, and NWCCU to set *anarchy-styled* precedence that drove Randy into depression and suicidal thoughts, and Carol suffered excruciating agony from worry for Randy’s life.
5. Due to the lack of competent management controls noted by the *OIG Audit* in 2003 that were unchanged in 2008-present, the Spellings regime failed to fulfill the OMB requirements and *OIG Audit* recommendations when Ms. Regan and Ms. Oldham wrote false, fictitious, and fraudulent statements supporting the false reviews of ATS and NWCCU. Further, there appears to be no follow-up audits of the AAEU or by the OIG. Consequently, our attorneys had to employ a state degree program expert familiar with CEC effective in 2006, and a certified fraud examiner (ACFE) to evaluate activities related to the settlement agreement and *The 2003 OIG AAEU Audit*. Another state rep and additional ACFE directors may write *amicus briefs*.
6. *The Audit Concluded* on Page 19: **“We concluded that AAEU does not have sufficient management controls to provide a reasonable level of assurance that accrediting agencies established the required standards, ensured that accredited institutions adhered to established standards, and took consistent enforcement action when institutions were noncompliant.”** This USDE negligence of duty harmed us.

We are damaged. Our son, Randy Chapel, has now lost everything as a result of the corrupt actions of Western Seminary, ATS and NWCCU, three insurance companies, their attorneys, the arbitrator who ignored state and federal laws over Western, and the ongoing negligence and malfeasance by the former USDE administration. The USDE could have prevented the continued destruction on May 8, 2008—when Asst. Secretary Diane Auer Jones cited ATS and NWCCU for 34 CFR 602.20 and 602.23. But she stopped short of total accountability by omitting the 34 CFR 602.22 noncompliance that Mr. Mula stated was already determined on January 2, 2008, The evidence overwhelmingly demonstrates the Spellings administration covered for the school and ATS and NWCCU. Randy

lost his house, his possessions, and his wife⁴ is divorcing him and he will not be able to see his only child—our grandson—as a result. His wife made it clear in her UK divorce filings that she is taking this step as a direct result of the lawsuit whereby Randy was set up for more retaliation via FERPA violations, conflicts of interest, and USDE ongoing negligence of duty. I will be 61-years-old this year and Carol will be 71 in August. We used up our life savings and took loans out on our house to help our son against ten years of abuse by Western against Randy. Carol witnessed Randy degrade after the USDE refused to reply to Carol and Randy's pleas for help about Western's FERPA violations. Carol experienced deep emotional despair and frequent nightmares last summer after Randy disappeared intending to commit suicide. Randy complains of nightly nightmares and depression. When Randy returned last fall, we worked diligently to help him get back on his feet to confront the Department and its failures.

Mr. President, *you* called for a *spirit of cooperation and openness to prevail*. We (Carol, Randy, and I) are prepared to engage in a constructive administrative conversation to find reasonable solutions to these problems, but we will need the materials we are seeking by way of our FOIA requests to do it. We ask that our FOIA requests also be searched under the Privacy Act and under the intent of both *Memos for FOIA transparency*. We are aware that discoverable materials for administrative claims should be released, and our requests under FOIA should be processed on that basis. Please see *McClellan Ecological Seepage Situation v. Garlucci*, 835 F.2d 1282 (9th Cir. 1987) (requests under FOIA for information to be utilized in a tort claim cannot be denied on the basis that there is a commercial interest). *Hernandez v. U.S.*, 1998 WL 230200 (E.D. La.) (both USPS accident report and USPS driver's personnel file (Privacy Act) must be released).

Mr. President, we know you have many very important national affairs to conduct on behalf of the welfare of this great nation. Will you *please* mention to your friend Secretary Duncan (when it is convenient) that we really need our FOIA requests to be completed very soon (see Mr. Holder's *MEMO* section: "Working Proactively and Promptly"), so Carol can file her last remaining documents with the Department for our pursuit of justice on behalf of all students and their families?

Thank you in advance for whatever assistance you can provide.

Respectfully submitted,

Dale E. Wilson, Ph.D.,
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(Journalist, Scholar, National Historian, and university instructor)

Enclosures

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⁴ Randy's wife is the daughter of Lord Bishop Donald Allister of Peterborough. She and her family are so appalled by the hopeless effects of what the U.S. government did in his case that they think divorce is the only resolution for them.